

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 669 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3288.

□ 1255

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time. The gentleman from Massachusetts (Mr. OLVER) and the gentleman from Iowa (Mr. LATHAM) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume, and hopefully that will be less than 5 minutes.

Mr. Chairman, it is my privilege and pleasure to present the fiscal year 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill to the House. This bill is the product of many hours of hear-

ings and briefings, always with bipartisan input and excellent subcommittee member participation. I especially would like to recognize the important contributions of my ranking member, TOM LATHAM, in putting this bill together. And as with any healthy relationship, we do not always agree, but I greatly appreciate his partnership, and his input has made the bill better.

I also want to take a moment to recognize the hard work of staff, specifically on the minority side, Dena Baron, David Gibbons, Allison Fox and Doug Bobbitt; and on the majority side, Kate Hallahan, Laura Hogshead, Dave Napoliello, Lisa Pena, Alex Gillen, Janine Scianna, Andrew Burton and Blair Anderson. They have spent many late nights putting this bill together, and we would not be here today without their dedication.

There has been close communication and coordination between the minority and the majority staffs throughout this process, and the bill is better for that input.

Recognizing that today may be long, my remarks will be brief. This is a non-partisan bill, as bills related to transportation and housing should be. It invests in our Nation's infrastructure during a transformational period for both the Department of Transportation and the Department of Housing and Urban Development. The bill provides \$123.1 billion in total budgetary resources, \$48 million below the President's budget request. Within Housing and Urban Development, this bill recognizes that foreclosure rates remain high and the current economic climate

and weak job market have increased demand for affordable housing. To that extent, this bill provides \$47.1 billion for HUD and targets most of the \$1.6 billion increase over the President's budget to programs that the previous administration repeatedly attempted to reduce or zero out and thus have not kept up with the need.

In contrast, Transportation is a budget in flux, largely covering programs that are in transition with major surface and aviation authorizations pending. The authorizing committees of jurisdiction in both the House and Senate have either passed or begun marking up multi-year legislation to reform and extend these important infrastructure programs. In that regard, the bill includes \$75.8 billion in transportation infrastructure investments. That is \$1.66 billion below the President's request.

Last, I want to note that in supporting the transformations taking place at each Department, this bill has emphasized investments in five key areas: one, building healthy communities with environmentally sustainable solutions; two, maintaining services in rural communities; three, supporting vulnerable populations; four, investing in the national infrastructure; and, five, ensuring transportation safety.

In conclusion, we worked hard to balance many competing needs to produce a bill that reflects the bipartisan needs of transportation and housing. I'm pleased with the product, and I urge Members to support it.

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
 APPROPRIATIONS BILL, 2010 (H.R. 3288)  
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE I - DEPARTMENT OF TRANSPORTATION</b>					
<b>Office of the Secretary</b>					
Salaries and expenses.....	98,248	103,184	102,556	+4,308	-628
Immediate Office of the Secretary.....	(2,400)	---	(2,631)	(+231)	(+2,631)
Immediate Office of the Deputy Secretary.....	(759)	---	(986)	(+227)	(+986)
Office of the General Counsel.....	(19,838)	---	(20,359)	(+521)	(+20,359)
Office of the Under Secretary of Transportation for Policy.....	(10,107)	---	(11,100)	(+993)	(+11,100)
Office of the Assistant Secretary for Budget and Programs.....	(10,200)	---	(10,559)	(+359)	(+10,559)
Office of the Assistant Secretary for Governmental Affairs.....	(2,400)	---	(2,440)	(+40)	(+2,440)
Office of the Assistant Secretary for Administration.....	(26,000)	---	(25,520)	(-480)	(+25,520)
Office of Public Affairs.....	(2,020)	---	(2,055)	(+35)	(+2,055)
Office of the Executive Secretariat.....	(1,595)	---	(1,658)	(+63)	(+1,658)
Office of Small and Disadvantaged Business Utilization.....	(1,369)	---	(1,433)	(+64)	(+1,433)
Office of Intelligence, Security, and Emergency Response.....	(8,675)	---	(10,600)	(+1,925)	(+10,600)
Office of the Chief Information Officer.....	(12,885)	---	(13,215)	(+330)	(+13,215)
Supplemental discretionary grants for national service transportation system (emergency) (P.L. 111-5).....	1,500,000	---	---	-1,500,000	---
Financial management capital.....	5,000	5,000	5,000	---	---
Office of Civil Rights.....	9,384	9,667	9,667	+283	---
Rescission of excess compensation for air carriers....	-848	---	---	+848	---
Transportation planning, research, and development....	18,300	10,233	14,733	-3,567	+4,500
Working capital fund.....	(128,094)	---	(147,596)	(+19,502)	(+147,596)
Minority business resource center program.....	912	912	912	---	---
(Limitation on guaranteed loans).....	(18,367)	(18,367)	(18,367)	---	---
Minority business outreach.....	3,056	3,074	3,074	+18	---
Payments to air carriers (Airport & Airway Trust Fund)	73,013	125,000	125,000	+51,987	---
Emergency appropriations (P.L. 111-32).....	13,200	---	---	-13,200	---
<b>Total, Office of the Secretary.....</b>	<b>1,720,265</b>	<b>257,070</b>	<b>260,942</b>	<b>-1,459,323</b>	<b>+3,872</b>
Appropriations.....	(207,913)	(257,070)	(260,942)	(+53,029)	(+3,872)
Rescissions.....	(-848)	---	---	(+848)	---
Emergency appropriations.....	(1,513,200)	---	---	(-1,513,200)	---
<b>Federal Aviation Administration</b>					
Operations.....	9,042,467	9,335,798	9,347,168	+304,701	+11,370
Air traffic organization.....	(7,098,322)	---	(7,300,739)	(+202,417)	(+7,300,739)
Aviation safety.....	(1,164,597)	---	(1,231,765)	(+67,168)	(+1,231,765)
Commercial space transportation.....	(14,094)	---	(14,737)	(+643)	(+14,737)
Financial services.....	(111,004)	---	(113,681)	(+2,677)	(+113,681)
Human resource management.....	(96,091)	---	(100,428)	(+4,337)	(+100,428)
Region and center operations.....	(331,000)	---	(341,977)	(+10,977)	(+341,977)
Staff offices.....	(180,859)	---	(196,063)	(+15,204)	(+196,063)
Information services.....	(46,500)	---	(49,778)	(+3,278)	(+49,778)
Facilities & equipment (Airport & Airway Trust Fund)..	2,742,095	2,925,202	2,925,202	+183,107	---
Supplemental funding for facilities and equipment (emergency) (P.L. 111-5).....	200,000	---	---	-200,000	---
Research, engineering, and development (Airport & Airway Trust Fund).....	171,000	180,000	195,000	+24,000	+15,000

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
 APPROPRIATIONS BILL, 2010 (H.R. 3288)  
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>Grants-in-aid for airports (Airport and Airway Trust Fund)</b>					
(Liquidation of contract authorization).....	(3,600,000)	(3,000,000)	(3,000,000)	(-600,000)	---
(Limitation on obligations).....	(3,514,500)	(3,515,000)	(3,515,000)	(+500)	---
Small community air service development program... Administration.....	(8,000)	---	---	(-8,000)	---
Airport Cooperative Research Program.....	(87,454)	(93,422)	(93,422)	(+5,968)	---
Airport technology research.....	(15,000)	(15,000)	(15,000)	---	---
Rescission of contract authority (BY AIP).....	(19,348)	(22,472)	(22,472)	(+3,124)	---
Rescission of contract authority (P.L. 111-32)....	-80,000	---	---	+80,000	---
	-13,200	---	---	+13,200	---
<b>Subtotal.....</b>	<b>(3,421,300)</b>	<b>(3,515,000)</b>	<b>(3,515,000)</b>	<b>(+93,700)</b>	<b>---</b>
<b>Supplemental discretionary grants for airport investment (emergency) (P.L. 111-5).....</b>					
	1,100,000	---	---	-1,100,000	---
<b>Total, Federal Aviation Administration.....</b>	<b>13,162,362</b>	<b>12,441,000</b>	<b>12,467,370</b>	<b>-694,992</b>	<b>+26,370</b>
Appropriations.....	(11,955,562)	(12,441,000)	(12,467,370)	(+511,808)	(+26,370)
Rescissions of contract authority.....	(-93,200)	---	---	(+93,200)	---
Emergency appropriations.....	(1,300,000)	---	---	(-1,300,000)	---
(Limitations on obligations).....	(3,514,500)	(3,515,000)	(3,515,000)	(+500)	---
<b>Total budgetary resources less emergencies.....</b>	<b>(15,376,862)</b>	<b>(15,956,000)</b>	<b>(15,982,370)</b>	<b>(+605,508)</b>	<b>(+26,370)</b>
<b>Federal Highway Administration</b>					
Limitation on administrative expenses.....	(390,000)	(415,396)	(413,533)	(+23,533)	(-1,863)
<b>Federal-aid highways (Highway Trust Fund):</b>					
(Liquidation of contract authorization).....	(41,439,000)	(33,000,000)	(41,846,000)	(+407,000)	(+8,846,000)
(Limitation on obligations).....	(40,700,000)	(5,000,000)	(41,107,000)	(+407,000)	(+36,107,000)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)	---	---
General Fund share.....	---	36,107,000	---	---	-36,107,000
Appalachian development highway system.....	9,500	---	---	-9,500	---
Denali Access System.....	5,700	---	---	-5,700	---
Surface transportation projects.....	161,327	---	125,700	-35,627	+125,700
Additional TCSP (subject to limitation).....	143,031	---	---	-143,031	---
Rescission of contract authority (Highway Trust Fund) Administration (rescission of contract authority)....	-3,150,000	---	---	+3,150,000	---
	-33,401	---	---	+33,401	---
Research (rescission of contract authority).....	-11,757	---	---	+11,757	---
Highway infrastructure investment (emergency) (P.L. 111-5).....	27,500,000	---	---	-27,500,000	---
<b>Total, Federal Highway Administration.....</b>	<b>24,624,400</b>	<b>36,107,000</b>	<b>125,700</b>	<b>-24,498,700</b>	<b>-35,981,300</b>
Appropriations.....	(319,558)	(36,107,000)	(125,700)	(-193,858)	(-35,981,300)
Rescissions of contract authority.....	(-3,195,158)	---	---	(+3,195,158)	---
Emergency appropriations.....	(27,500,000)	---	---	(-27,500,000)	---
(Limitations on obligations).....	(40,700,000)	(5,000,000)	(41,107,000)	(+407,000)	(+36,107,000)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)	---	---
<b>Total budgetary resources less emergencies.....</b>	<b>(37,824,400)</b>	<b>(41,107,000)</b>	<b>(41,232,700)</b>	<b>(+3,408,300)</b>	<b>(+125,700)</b>
<b>Federal Motor Carrier Safety Administration</b>					
Motor carrier safety operations and programs (Highway Trust Fund)(Liquidation of contract authorization)..	(234,000)	(234,000)	(239,828)	(+5,828)	(+5,828)
(Limitation on obligations).....	(234,000)	(239,828)	(239,828)	(+5,828)	---
Motor carrier safety grants (Highway Trust Fund)					
(Liquidation of contract authorization).....	(307,000)	(289,000)	(310,070)	(+3,070)	(+21,070)
(Limitation on obligations).....	(307,000)	(310,070)	(310,070)	(+3,070)	---
National motor carrier safety program (HTF)					
(rescission of contract authority).....	-19,572	---	---	+19,572	---
Motor carrier safety (HTF) (rescission of contract authority).....	-2,231	---	---	+2,231	---
Motor carrier safety grants (HTF) (rescission of contract authority).....	-6,503	---	---	+6,503	---

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Motor carrier safety operations and programs (HTF) (rescission of contract authority).....	-4,839	---	---	+4,839	---
Total, Federal Motor Carrier Safety Admin.....	-33,145	---	---	+33,145	---
(Limitations on obligations).....	(541,000)	(549,898)	(549,898)	(+8,898)	---
Total budgetary resources.....	(507,855)	(549,898)	(549,898)	(+42,043)	---
<b>National Highway Traffic Safety Administration</b>					
Operations and research (general fund).....	127,000	129,774	131,736	+4,736	+1,962
Operations and research (Highway Trust Fund) (Liquidation of contract authorization).....	(105,500)	(82,000)	(108,642)	(+3,142)	(+26,642)
(Limitation on obligations).....	(105,500)	(107,329)	(108,642)	(+3,142)	(+1,313)
Subtotal, Operations and research.....	(232,500)	(237,103)	(240,378)	(+7,878)	(+3,275)
National driver register (general fund).....	---	---	3,350	+3,350	+3,350
National driver register (Highway Trust Fund) (Liquidation of contract authorization).....	(4,000)	(4,078)	(4,000)	---	(-78)
(Limitation on obligations).....	(4,000)	(4,078)	(4,000)	---	(-78)
Subtotal, National driver register.....	4,000	4,078	7,350	+3,350	+3,272
Highway traffic safety grants (Highway Trust Fund) (Liquidation of contract authorization).....	(619,500)	(626,047)	(619,500)	---	(-6,547)
(Limitation on obligations).....	(619,500)	(626,047)	(619,500)	---	(-6,547)
Highway safety programs (23 USC 402).....	(235,000)	---	(235,000)	---	(+235,000)
Occupant protection incentive grants(23 USC 405)	(25,000)	---	(25,000)	---	(+25,000)
Safety belt performance grants (23 USC 406).....	(124,500)	---	(124,500)	---	(+124,500)
State traffic safety information system improvement grants (23 USC 408).....	(34,500)	---	(34,500)	---	(+34,500)
Alcohol-impaired driving countermeasures grants (23 USC 410).....	(139,000)	---	(139,000)	---	(+139,000)
High visibility enforcement.....	(29,000)	---	(29,000)	---	(+29,000)
Child safety and booster seat grants.....	(7,000)	---	(7,000)	---	(+7,000)
Motorcyclist safety.....	(7,000)	---	(7,000)	---	(+7,000)
Grant administration.....	(18,500)	---	(18,500)	---	(+18,500)
Operations and research (rescission of contract authority).....	-10,900	---	---	+10,900	---
National driver register (rescission of contract authority).....	-544	---	---	+544	---
Highway traffic safety grants (rescission of contract authority).....	-60,200	---	---	+60,200	---
Subtotal.....	(551,856)	(630,125)	(626,850)	(+74,994)	(-3,275)
Total, National Highway Traffic Safety Admin....	55,356	129,774	135,086	+79,730	+5,312
Appropriations.....	(127,000)	(129,774)	(135,086)	(+8,086)	(+5,312)
Rescissions of contract authority.....	(-71,644)	---	---	(+71,644)	---
(Limitations on obligations).....	(729,000)	(737,454)	(732,142)	(+3,142)	(-5,312)
Total budgetary resources.....	(784,356)	(867,228)	(867,228)	(+82,872)	---
<b>Federal Railroad Administration</b>					
Safety and operations.....	159,445	168,770	172,533	+13,088	+3,763
Railroad research and development.....	33,950	34,145	34,145	+195	---
Capital assistance to States - Intercity Passenger Rail Service.....	90,000	---	---	-90,000	---
Capital assistance for high speed rail corridors and intercity passenger rail service.....	---	1,000,000	4,000,000	+4,000,000	+3,000,000
Emergency appropriations (P.L. 111-5).....	8,000,000	---	---	-8,000,000	---
Subtotal.....	8,000,000	1,000,000	4,000,000	-4,000,000	+3,000,000

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	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rail line relocation and improvement program.....	25,000	---	40,000	+15,000	+40,000
National Railroad Passenger Corporation					
Operating grants to the National Railroad					
Passenger Corporation.....	550,000	572,348	553,348	+3,348	-19,000
Office of Inspector General.....	---	---	19,000	+19,000	+19,000
Capital grants to the National Railroad					
Passenger Corporation.....	940,000	929,625	929,625	-10,375	---
Grants to the National Railroad Passenger Corporation (emergency)(P.L. 111-5).....					
Corporation (emergency)(P.L. 111-5).....	1,300,000	---	---	-1,300,000	---
Efficiency incentive grants to the National Railroad Passenger Corporation (rescission).....					
Passenger Corporation (rescission).....	-36,834	---	---	+36,834	---
Total, National Railroad Passenger Corporation..	2,753,166	1,501,973	1,501,973	-1,251,193	---
Total, Federal Railroad Administration.....					
Appropriations.....	11,061,561	2,704,888	5,748,651	-5,312,910	+3,043,763
Rescissions.....	(1,798,395)	(2,704,888)	(5,748,651)	(+3,950,256)	(+3,043,763)
Emergency appropriations.....	(-36,834)	---	---	(+36,834)	---
Emergency appropriations.....	(9,300,000)	---	---	(-9,300,000)	---
Federal Transit Administration					
Administrative expenses.....	94,413	97,478	97,478	+3,065	---
Formula and Bus Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization)....					
Account (Liquidation of contract authorization)....	(8,670,000)	(8,852,000)	(8,852,000)	(+182,000)	---
(Limitation on obligations).....	(8,260,565)	(5,000,000)	(8,343,171)	(+82,606)	(+3,343,171)
General Fund share.....	---	3,343,171	---	---	-3,343,171
Rescission of current year contract authority.....	-100,000	---	---	+100,000	---
Subtotal.....	(8,160,565)	(8,343,171)	(8,343,171)	(+182,606)	---
Research and University Research Centers.....	67,000	67,670	65,670	-1,330	-2,000
Capital investment grants.....	1,809,250	1,827,343	1,827,343	+18,093	---
Emergency appropriations (P.L. 111-5).....	750,000	---	---	-750,000	---
Subtotal.....	2,559,250	1,827,343	1,827,343	-731,907	---
Washington Metropolitan Area Transit Authority					
capital and preventive maintenance.....					
Transit capital assistance (emergency) (P.L. 111-5)...	---	---	150,000	+150,000	+150,000
Fixed guideway infrastructure investment (emergency) (P.L. 111-5).....	6,900,000	---	---	-6,900,000	---
Fixed guideway infrastructure investment (emergency) (P.L. 111-5).....	750,000	---	---	-750,000	---
Total, Federal Transit Administration.....	10,270,663	5,335,662	2,140,491	-8,130,172	-3,195,171
Appropriations.....	(1,970,663)	(5,335,662)	(2,140,491)	(+169,828)	(-3,195,171)
Rescissions of contract authority.....	(-100,000)	---	---	(+100,000)	---
Emergency appropriations.....	(8,400,000)	---	---	(-8,400,000)	---
(Limitations on obligations).....	(8,260,565)	(5,000,000)	(8,343,171)	(+82,606)	(+3,343,171)
Total budgetary resources less emergencies.....	(10,131,228)	(10,335,662)	(10,483,662)	(+352,434)	(+148,000)
Saint Lawrence Seaway Development Corporation					
Operations and maintenance (Harbor Maintenance TF)....	31,842	32,324	32,324	+482	---
Maritime Administration					
Maritime security program.....	174,000	174,000	174,000	---	---
Operations and training.....	123,360	152,900	140,900	+17,540	-12,000
Ship disposal.....	15,000	15,000	15,000	---	---
Assistance to small shipyards.....	17,500	---	---	-17,500	---
Emergency appropriations (P.L. 111-5).....	100,000	---	---	-100,000	---
Subtotal.....	117,500	---	---	-117,500	---

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	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
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Maritime Guaranteed Loan (Title XI) Program Account:					
Administrative expenses.....	3,531	3,630	3,630	+99	---
Ship construction (rescission).....	-1,383	---	---	+1,383	---
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Total, Maritime Administration.....	432,008	345,530	333,530	-98,478	-12,000
Appropriations.....	(333,391)	(345,530)	(333,530)	(+139)	(-12,000)
Rescissions.....	(-1,383)	---	---	(+1,383)	---
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Pipeline and Hazardous Materials Safety Administration					
Hazardous materials safety.....	32,000	35,500	36,500	+4,500	+1,000
Administrative expenses:					
General Fund.....	18,491	18,329	19,329	+838	+1,000
Pipeline Safety Fund.....	639	639	639	---	---
Pipeline Safety information grants to communities.....	(1,000)	---	(1,000)	---	(+1,000)
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Subtotal.....	(19,130)	(18,968)	(19,968)	(+838)	(+1,000)
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Pipeline safety:					
Pipeline Safety Fund.....	74,481	86,334	86,334	+11,853	---
Oil Spill Liability Trust Fund.....	18,810	18,905	18,905	+95	---
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Subtotal.....	(93,291)	(105,239)	(105,239)	(+11,948)	---
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Emergency preparedness grants:					
Emergency preparedness fund.....	188	188	188	---	---
Limitation on emergency preparedness fund.....	(28,318)	(28,318)	(28,318)	---	---
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Total, Pipeline and Hazardous Materials Safety Administration.....	172,927	188,213	190,213	+17,286	+2,000
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Research and Innovative Technology Administration					
Research and development.....	12,900	13,179	12,834	-66	-345
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Office of Inspector General					
Salaries and expenses.....	71,400	74,839	74,839	+3,439	---
Emergency appropriations (P.L. 111-5).....	20,000	---	---	-20,000	---
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Subtotal.....	91,400	74,839	74,839	-16,561	---
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Surface Transportation Board					
Salaries and expenses.....	26,847	27,032	29,800	+2,953	+2,768
Offsetting collections.....	-1,250	-1,250	-1,250	---	---
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Total, Surface Transportation Board.....	25,597	25,782	28,550	+2,953	+2,768
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National Infrastructure Bank (legislative proposal)...	---	5,000,000	---	---	-5,000,000
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Total, title I, Department of Transportation....	61,599,818	62,626,943	21,522,212	-40,077,606	-41,104,731
Appropriations.....	(16,998,830)	(62,626,943)	(21,522,212)	(+4,523,382)	(-41,104,731)
Rescissions.....	(-39,065)	---	---	(+39,065)	---
Rescission of contract authority.....	(-3,493,147)	---	---	(+3,493,147)	---
Emergency appropriations.....	(48,133,200)	---	---	(-48,133,200)	---
(Limitations on obligations).....	(53,745,065)	(14,802,352)	(54,247,211)	(+502,146)	(+39,444,859)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)	---	---
-----					
Total budgetary resources excluding emergencies.	(67,211,683)	(77,429,295)	(75,769,423)	(+8,557,740)	(-1,659,872)
=====					

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
 APPROPRIATIONS BILL, 2010 (H.R. 3288)  
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>TITLE II - DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</b>					
<b>Management and Administration</b>					
Executive direction.....	23,799	25,969	25,969	+2,170	---
Administration, operations, and management.....	527,434	537,897	537,897	+10,463	---
<b>Personnel compensation and benefits:</b>					
Public and Indian Housing.....	190,390	197,074	197,074	+6,684	---
Community Planning and Development.....	94,234	98,989	98,989	+4,755	---
Housing.....	363,198	374,887	374,887	+11,689	---
Office of the Government National Mortgage Association.....	10,000	11,095	11,095	+1,095	---
Policy Development and Research.....	18,071	21,138	21,138	+3,067	---
Fair Housing and Equal Opportunity.....	69,021	71,800	71,800	+2,779	---
Office of Healthy Homes and Lead Hazard Control....	6,728	7,151	7,151	+423	---
Subtotal.....	751,642	782,134	782,134	+30,492	---
Total, Management and Administration.....	1,302,875	1,346,000	1,346,000	+43,125	---
<b>Public and Indian Housing</b>					
<b>Tenant-based rental assistance:</b>					
Renewals.....	15,200,000	16,189,200	16,387,200	+1,187,200	+198,000
Tenant protection vouchers.....	150,000	103,000	120,000	-30,000	+17,000
Family self-sufficiency coordinators.....	---	50,000	60,000	+60,000	+10,000
Administrative fees.....	1,500,000	1,493,800	1,600,000	+100,000	+106,200
Incremental family unification vouchers.....	20,000	---	---	-20,000	---
Veterans affairs supportive housing.....	75,000	---	75,000	---	+75,000
Nonelderly disabled incremental vouchers.....	30,000	---	---	-30,000	---
Working capital fund (transfer out).....	(-7,929)	---	---	(+7,929)	---
Emergency appropriations (P.L. 111-32).....	30,000	---	---	-30,000	---
Subtotal.....	17,005,000	17,836,000	18,242,200	+1,237,200	+406,200
Advance appropriations.....	4,000,000	4,000,000	4,000,000	---	---
Less appropriations from prior year advances.....	-4,158,000	-4,000,000	-4,000,000	+158,000	---
Total, Tenant-based rental assistance.....	16,847,000	17,836,000	18,242,200	+1,395,200	+406,200
Public Housing Capital Fund.....	2,450,000	2,244,000	2,500,000	+50,000	+256,000
Emergency appropriations (P.L. 111-5).....	4,000,000	---	---	-4,000,000	---
Working capital fund (transfer out).....	(-14,577)	---	---	(+14,577)	---
Subtotal.....	6,450,000	2,244,000	2,500,000	-3,950,000	+256,000
Public Housing Operating Fund.....	4,455,000	4,600,000	4,800,000	+345,000	+200,000
Revitalization of severely distressed public housing..	120,000	---	250,000	+130,000	+250,000
Choice neighborhoods.....	---	250,000	---	---	-250,000
Native American housing block grants.....	645,000	645,000	750,000	+105,000	+105,000
Emergency appropriations (P.L. 111-5).....	510,000	---	---	-510,000	---
Subtotal.....	1,155,000	645,000	750,000	-405,000	+105,000
Indian housing loan guarantee fund program account....	9,000	7,000	7,000	-2,000	---
(Limitation on guaranteed loans).....	(420,000)	(919,000)	(919,000)	(+499,000)	---
Native Hawaiian housing block grant.....	10,000	10,000	12,000	+2,000	+2,000
Native Hawaiian loan guarantee fund program account....	1,044	1,044	1,044	---	---
(Limitation on guaranteed loans).....	(41,504)	(41,504)	(41,504)	---	---
Total, Public and Indian Housing.....	29,047,044	25,593,044	26,562,244	-2,484,800	+969,200
Appropriations.....	(24,507,044)	(25,593,044)	(26,562,244)	(+2,055,200)	(+969,200)
Emergency appropriations.....	(4,540,000)	---	---	(-4,540,000)	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
 APPROPRIATIONS BILL, 2010 (H.R. 3288)  
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>Community Planning and Development</b>					
Housing opportunities for persons with AIDS.....	310,000	310,000	350,000	+40,000	+40,000
Working capital fund (transfer out).....	(-1,750)	---	---	(+1,750)	---
Rural housing and economic development.....	26,000	---	---	-26,000	---
Community development fund.....	3,900,000	4,450,000	4,600,607	+700,607	+150,607
Emergency appropriations (P.L.111-5).....	3,000,000	---	---	-3,000,000	---
Working capital fund (transfer out).....	(-3,175)	---	---	(+3,175)	---
Subtotal.....	6,900,000	4,450,000	4,600,607	-2,299,393	+150,607
Section 108 loan guarantees:					
(Limitation on guaranteed loans).....	(275,000)	(275,000)	(275,000)	---	---
Credit subsidy.....	6,000	---	6,000	---	+6,000
Brownfields redevelopment.....	10,000	---	25,000	+15,000	+25,000
HOME investment partnerships program.....	1,825,000	1,825,000	2,000,000	+175,000	+175,000
Emergency appropriations (P.L.111-5).....	2,250,000	---	---	-2,250,000	---
Working capital fund (transfer out).....	(-4,200)	---	---	(+4,200)	---
Subtotal.....	4,075,000	1,825,000	2,000,000	-2,075,000	+175,000
Self-help homeownership opportunity program.....	64,000	77,000	85,000	+21,000	+8,000
Homeless assistance grants.....	1,677,000	1,793,715	1,850,000	+173,000	+56,285
Working capital fund (transfer out).....	(-2,675)	---	---	(+2,675)	---
Emergency appropriations (P.L.111-5).....	1,500,000	---	---	-1,500,000	---
Total, Community Planning and Development.....	14,568,000	8,455,715	8,916,607	-5,651,393	+460,892
Appropriations.....	7,818,000	8,455,715	8,916,607	+1,098,607	+460,892
Emergency appropriations.....	6,750,000	---	---	-6,750,000	---
<b>Housing Programs</b>					
Project-based rental assistance:					
Renewals.....	6,868,000	7,868,000	8,474,328	+1,606,328	+606,328
Contract administrators.....	232,000	232,000	232,000	---	---
Working capital fund (transfer out).....	(-10,000)	---	---	(+10,000)	---
Subtotal (available this fiscal year).....	7,100,000	8,100,000	8,706,328	+1,606,328	+606,328
Advance appropriations.....	400,000	400,000	393,672	-6,328	-6,328
Less appropriations from prior year advances.....	---	-400,000	-400,000	-400,000	---
Total, Project-based rental assistance appropriated in this bill.....	7,500,000	8,100,000	8,700,000	+1,200,000	+600,000
Housing for the elderly.....	765,000	765,000	1,000,000	+235,000	+235,000
Working capital fund (transfer out).....	(-1,600)	---	---	(+1,600)	---
Housing for persons with disabilities.....	250,000	250,000	350,000	+100,000	+100,000
Working capital fund (transfer out).....	(-1,600)	---	---	(+1,600)	---
Housing counseling assistance.....	65,000	100,000	70,000	+5,000	-30,000
Manufactured housing fees trust fund.....	16,000	16,000	16,000	---	---
Offsetting collections.....	-10,600	-7,000	-7,000	+3,600	---
Subtotal.....	5,400	9,000	9,000	+3,600	---
Green retrofit program for multifamily housing (emergency) (P.L. 111-5).....	2,250,000	---	---	-2,250,000	---
Energy Innovation Fund.....	---	100,000	50,000	+50,000	-50,000

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
 APPROPRIATIONS BILL, 2010 (H.R. 3288)  
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rental housing assistance.....	27,600	40,000	40,000	+12,400	---
Rent supplement (rescission).....	-37,600	-27,600	-27,600	+10,000	---
<b>Total, Housing Programs.....</b>	<b>10,825,400</b>	<b>9,336,400</b>	<b>10,191,400</b>	<b>-634,000</b>	<b>+855,000</b>
Appropriations.....	(8,623,600)	(9,371,000)	(10,226,000)	(+1,602,400)	(+855,000)
Rescissions.....	(-37,600)	(-27,600)	(-27,600)	(+10,000)	---
Emergency appropriations.....	(2,250,000)	---	---	(-2,250,000)	---
Offsetting collections.....	(-10,600)	(-7,000)	(-7,000)	(+3,600)	---
<b>Federal Housing Administration</b>					
<b>FHA - Mutual mortgage insurance program account:</b>					
(Limitation on guaranteed loans).....	(315,000,000)	(400,000,000)	(400,000,000)	(+85,000,000)	---
(Limitation on direct loans).....	(50,000)	(50,000)	(50,000)	---	---
Offsetting receipts (HECM).....	-391,000	---	---	+391,000	---
Positive credit subsidy.....	---	798,000	---	---	-798,000
Administrative contract expenses.....	116,000	181,400	181,400	+65,400	---
Additional contract expenses.....	25,000	14,000	14,000	-11,000	---
Working capital fund (transfer out).....	(-46,794)	(-70,794)	(-70,794)	(-24,000)	---
Consumer education and outreach.....	---	7,500	7,500	+7,500	---
<b>FHA - General and special risk program account:</b>					
(Limitation on guaranteed loans).....	(45,000,000)	(15,000,000)	(15,000,000)	(-30,000,000)	---
(Limitation on direct loans).....	(50,000)	(20,000)	(20,000)	(-30,000)	---
Offsetting receipts.....	-140,000	-140,000	-140,000	---	---
Credit subsidy.....	8,600	8,600	8,600	---	---
Right of first refusal (Sec. 237).....	5,000	---	---	-5,000	---
rescission of prior year balances.....	-5,000	---	---	+5,000	---
Administrative contract expenses.....	47,871	---	---	-47,871	---
Consumer education and outreach.....	1,000	---	---	-1,000	---
<b>Total, Federal Housing Administration.....</b>	<b>-332,529</b>	<b>869,500</b>	<b>71,500</b>	<b>+404,029</b>	<b>-798,000</b>
<b>Government National Mortgage Association (GNMA)</b>					
<b>Guarantees of mortgage-backed securities loan guarantee program account:</b>					
(Limitation on guaranteed loans).....	(300,000,000)	(500,000,000)	(500,000,000)	(+200,000,000)	---
Offsetting receipts.....	-170,000	-720,000	-720,000	-550,000	---
Additional offsetting receipts.....	-23,000	---	---	+23,000	---
Additional contract expenses.....	12,000	---	---	-12,000	---
<b>Total, Gov't National Mortgage Association....</b>	<b>-181,000</b>	<b>-720,000</b>	<b>-720,000</b>	<b>-539,000</b>	<b>---</b>
<b>Policy Development and Research</b>					
Research and technology.....	58,000	50,000	50,000	-8,000	---
<b>Fair Housing and Equal Opportunity</b>					
Fair housing activities.....	53,500	72,000	72,000	+18,500	---
<b>Office of Lead Hazard Control</b>					
Lead hazard reduction.....	140,000	140,000	140,000	---	---
Emergency appropriations (P.L. 111-5).....	100,000	---	---	-100,000	---
<b>Subtotal.....</b>	<b>240,000</b>	<b>140,000</b>	<b>140,000</b>	<b>-100,000</b>	<b>---</b>
<b>Management and Administration</b>					
Working capital fund.....	224,000	200,000	200,000	-24,000	---
(By transfer).....	(94,300)	(70,794)	(70,794)	(-23,506)	---
Transformation initiative.....	---	20,000	20,000	+20,000	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES  
 APPROPRIATIONS BILL, 2010 (H.R. 3288)  
 (Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Inspector General.....	120,000	120,000	120,000	---	---
Emergency appropriations (P.L. 111-5).....	15,000	---	---	-15,000	---
Subtotal.....	135,000	120,000	120,000	-15,000	---
Total, Management and Administration.....	359,000	340,000	340,000	-19,000	---
Appropriations.....	(344,000)	(340,000)	(340,000)	(-4,000)	---
Emergency appropriations.....	(15,000)	---	---	(-15,000)	---
(Grand total, Management and Administration, less emergencies).....	(1,646,875)	(1,686,000)	(1,686,000)	(+39,125)	---
GSE conforming loan limits (emergency)(P.L. 111-5)....	37,000	---	---	-37,000	---
Extension of GSE conforming loan limits.....	---	---	80,000	+80,000	+80,000
Rescissions:					
FY08 advance appropriation (rescission).....	-750,000	---	---	+750,000	---
Total, title II, Department of Housing and Urban Development.....	55,227,290	45,482,659	47,049,751	-8,177,539	+1,567,092
Appropriations.....	(38,662,490)	(41,977,259)	(43,550,679)	(+4,888,189)	(+1,573,420)
Rescissions.....	(-792,600)	(-27,600)	(-27,600)	(+765,000)	---
Advance appropriations.....	(4,400,000)	(4,400,000)	(4,393,672)	(-6,328)	(-6,328)
Emergency appropriations.....	(13,692,000)	---	---	(-13,692,000)	---
Offsetting receipts.....	(-724,000)	(-860,000)	(-860,000)	(-136,000)	---
Offsetting collections.....	(-10,600)	(-7,000)	(-7,000)	(+3,600)	---
(By transfer).....	(94,300)	(70,794)	(70,794)	(-23,506)	---
(Transfer out).....	(-94,300)	(-70,794)	(-70,794)	(+23,506)	---
(Limitation on direct loans).....	(100,000)	(70,000)	(70,000)	(-30,000)	---
(Limitation on guaranteed loans).....	(660,736,504)	(916,235,504)	(916,235,504)	(+255,499,000)	---
(Title II, non-emergency discretionary total).....	(41,535,290)	(45,482,659)	(47,049,751)	(+5,514,461)	(+1,567,092)
<b>TITLE III - OTHER INDEPENDENT AGENCIES</b>					
Architectural and Transportation Barriers					
Compliance Board.....	6,550	7,000	7,200	+650	+200
Federal Maritime Commission.....	22,800	24,558	23,712	+912	-846
National Transportation Safety Board:					
Salaries and expenses.....	91,000	95,400	99,200	+8,200	+3,800
Rescission of unobligated balances.....	-671	---	---	+671	---
Neighborhood Reinvestment Corporation.....	181,000	166,800	196,800	+15,800	+30,000
United States Interagency Council on Homelessness.....	2,333	2,680	2,400	+67	-280
Total, title III, Other Independent Agencies....	303,012	296,438	329,312	+26,300	+32,874
Grand total (net).....	117,130,120	108,406,040	68,901,275	-48,228,845	-39,504,765
Appropriations.....	(55,965,003)	(105,300,640)	(65,802,203)	(+9,837,200)	(-39,498,437)
Rescissions.....	(-831,488)	(-27,600)	(-27,600)	(+803,888)	---
Rescissions of contract authority.....	(-3,493,147)	---	---	(+3,493,147)	---
Advance appropriations.....	(4,400,000)	(4,400,000)	(4,393,672)	(-6,328)	(-6,328)
Emergency appropriations.....	(61,825,200)	---	---	(-61,825,200)	---
Negative subsidy receipts.....	(-724,000)	(-860,000)	(-860,000)	(-136,000)	---
Offsetting collections.....	(-10,600)	(-7,000)	(-7,000)	(+3,600)	---
(Limitation on obligations).....	(53,745,065)	(14,802,352)	(54,247,211)	(+502,146)	(+39,444,859)
(Exempt contract authority).....	(739,000)	(739,000)	(739,000)	---	---
Total budgetary resources less emergencies.....	(109,049,985)	(123,208,392)	(123,148,486)	(+14,098,501)	(-59,906)

I reserve the balance of my time.

Mr. LATHAM. I thank the chairman and yield myself such time as I may consume. Mr. Chairman, today is an important day in the House because we are considering a bill that has far-reaching impacts on the transportation infrastructure across all of our districts and on all of our constituents in one way or another.

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For that reason alone, we should be considering this bill under an open rule so that our constituents have some say in how their tax dollars are being spent. Sadly, this is not the case.

Before I go any further, I want to tell the membership that I have really enjoyed working with Chairman OLVER, and look forward to continuing to do so. While, like he said, we don't always agree on everything, and especially the 25 percent increase in the allocation over last year, but that fact does not take away my belief that he is truly a devoted chairman who focuses on the resource needs of the entities under the jurisdiction of this bill, and I very much want to personally thank him for his consideration and kindness and working together. It's been a real pleasure.

I also want to tell both the majority and minority staffs that I sincerely appreciate their work throughout the process and commend them for a job, I think, very well done. And I salute all of your many hours that you put into the process, your forbearance in this often dysfunctional environment. We couldn't do it without you. And again, thank you on both sides of the aisle.

Mr. Chairman, as I said, the funding allocation for this bill for FY 2010 is 25 percent over the FY09 level. That is a huge increase, and one for which we ought to have a number of perfecting amendment votes as part of a serious debate, if for no other reason than to allow our constituents to have some say in how those funds are spent. At some point, it should start dawning on all of us that the reason we're hearing a lot of noise about some of the spending that's going on is that our constituents are waking up to the fact that they don't have a say in these exercises.

Mr. Chairman, as the administration has said about this bill, "these infrastructure investments will help build a new foundation for long-term economic growth to benefit the American people for years to come." And I agree. If we are, indeed, making long-term infrastructure investments, then the investors, or our constituents, should have a say-so on how those investments are made.

One of my biggest concerns in this bill is that we do nothing to address the coming situation with the highway trust fund that runs out of money. At a point, we will have to bail out the fund with general fund resources. I know that's not in our jurisdiction as such, but the hour is getting late, and

we should all be looking for the most expeditious ways to make any contribution we can to provide the resources that allow highway infrastructure and other transportation programs to continue with some predictability.

I had an amendment to help the trust fund situation, as I mentioned earlier today, in consideration of the rule. It would have transferred \$3 billion from the Rapid Rail appropriation to the trust fund, these funds that will not be spent any time soon, while our highway trust fund screams for additional resources.

The \$3 billion are also funds that were not requested by the administration for Rapid Rail, probably because the President knows they could not be spent any time soon. Right now they are "parked funds," at a time when we do not need to be teeing up more resources to be spent on something such as an infrastructure bank which, at this point, is only a vague concept.

In the end, the amendment was not made in order, and I assume for political reasons, unfortunately. Had it been made in order, it would have given me some faith that the majority was serious about having a genuine debate on this bill which, in turn, might have drawn a few more supporters than might otherwise be the case.

I will offer a different amendment to strike the \$3 billion, which will take the Rapid Rail funding to the President's request. Let me reiterate, that's the President's request. The \$3 billion is over and above that, and I believe the President's request was a reasonable number.

It will also cancel the transfer authority to this unknown infrastructure bank that has not been authorized. Without the absence of any knowledge of where a Rapid Rail program will go or what the bank will look like, or even if any submitted rail projects are feasible, we simply do not need \$3 billion of taxpayer money being set aside for simply a concept.

Mr. Chairman, I would be remiss if I did not say that there are some good points in this bill, absent a few billion unneeded dollars, to make it a very attractive legislative product.

With respect to HUD, I only want to say that this bill fully meets the government's obligation to renew all rental assistance, support the homeless, increase support for low-income elderly and the disabled, and provide additional rental assistance for veterans. But we cannot continue to put forth resources that cannot be deployed in the near term. We simply don't have the money.

And at this point, I thank you, and I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ROYBAL-ALLARD) for a colloquy.

Ms. ROYBAL-ALLARD. Chairman OLVER, I am honored to serve as a member of the Transportation-Housing

Subcommittee, and I thank the gentleman for his leadership on the many housing and transportation challenges facing our Nation.

I understand that among the elements of the Olver amendment is additional funding for railroad research and development. As the chairman is aware, our Los Angeles community suffered a tragic rail accident when a commuter passenger train collided head on with a freight train last year. It is widely believed that this accident could have been averted and 25 lives saved had positive train control technology been in operation on the system.

I would like to clarify that it is your intention that positive train control is one of the technologies that is funded under the research and development account.

Mr. OLVER. I thank the Congresswoman from California, and I share her concern about the terrible accident in Los Angeles, as well as her resolve to help prevent further accidents.

It is, in fact, my intention that the funding provided for railroad research and development be available for positive train control research and demonstration projects. I believe PTC is a necessary addition to our national railroad system, and I thank the Congresswoman for her leadership on this issue and keeping it in our attention.

Ms. ROYBAL-ALLARD. I thank the chairman for this clarification, and I look forward to working with the gentleman on this and other issues as the bill moves forward and we continue to address safety in all modes of transportation. I appreciate the gentleman's tireless work and that of the subcommittee staff on the many complex issues under this bill's jurisdiction.

Mr. LATHAM. Mr. Chairman, I would like to yield 5 minutes to the distinguished gentleman from Ohio (Mr. LATOURETTE), who has brought a lot of knowledge and insight to the committee.

Mr. LATOURETTE. I want to thank my good friend the chairman, and I want to thank my good friend Mr. LATHAM from Iowa, a classmate from 1994.

I want to commend the chairman of the subcommittee, Mr. OLVER, and our ranking member, Mr. LATHAM, for putting together a good bill, both on the transportation and the HUD side. There will be some criticism on the floor today about how much money it spends, and let me just tell you, as someone who spent 14 years on the Transportation and Infrastructure Committee, as a Nation, we need to be embarrassed about what we spend on transportation in this country.

If you look at the American Society of Civil Engineers, their report that they come out with on an annual basis, a scorecard in terms of how we're doing, if more Americans read that scorecard, they wouldn't put their families in the minivan and take them on vacation and drive over some of the bridges in this country.

The difficulty is going to occur later this year, and I have to say I guess I'm disappointed in the administration saying that they're going to kick the highway authorization bill down the road for 18 months, which, coincidentally falls after the next midterm election.

But I have to tell you that it is, in fact, infrastructure which creates jobs, and it's infrastructure which employs people in this country. And as a Republican, I can tell you, if it hadn't been for Dwight Eisenhower's vision on the national highway system, we would not have been the envy of the world we are today.

But sadly, now we begrudgingly, in the 6-year reauthorization, carp about spending \$35 billion a year for the entire country. And the need, I would suggest, Mr. Chairman, is far greater than that. And so, while this bill does, in fact, spend more money, and some people may not like the price tag, I think it's important.

I want to talk about two other things relative to the bill. The one is passenger rail service. You know, I had the privilege of being the chairman of the Railroad Subcommittee on Transportation, and we always seemed to give Amtrak just enough money to fail.

And if you look at Amtrak, when they took over the passenger rail service from Conrail, and we didn't want to be in the business anymore and the freight lines didn't want to be in the business anymore, they got bad track, bad rolling stock, bad management. And we sort of limp along.

And I've had friends on my side of the aisle say, well, we can't give them a billion dollars, what a big handout that is. Well, a billion dollars is a lot of money, but the fact of the matter is that if this country is ever going to move and restore passenger rail in this country, it's going to have a price. And anybody that thinks that passenger rail, as a societal prerogative, doesn't have to be subsidized is nuts.

I mean, you go over and you look at the world-class systems in Europe and in Asia. All of those countries have said for trips of 400 miles or less, we want passenger rail to be competitive with travel by car. We want passenger rail to be competitive with air travel, and they made the significant investments to make that happen.

Anybody who has, and I've had the pleasure to travel with the distinguished chairman of the Transportation and Infrastructure Committee in Europe on trains like the TGV and the Chunnel and in Japan on their high-speed rail. It goes over 200 miles an hour. The fact that we have ignored that as a mode of transportation in this country should be an embarrassment to the greatest country on Earth, and this bill begins to make significant investments in that.

The stimulus package had \$8 billion for high-speed rail. This bill has an additional \$4 billion. And I'll just tell you, I don't represent a person in the Cleveland area that wouldn't say, if I

could go 150, 180, 200 miles an hour from Cleveland to Chicago that I would, in fact, do that.

And you want to talk about climate change. You know, the way to get money around here this year is, if you put green in any legislation, they give you money. But if you want to talk about climate change, I believe the last time I checked, the statistic is 1 gallon of diesel fuel can take 1 ton of cargo from Washington, D.C., to Boston, Massachusetts. I don't know another mode of transportation that is that fuel efficient. You get cars off the road, you get trucks off the road, and you don't create the greenhouse gases that everybody is, in fact, worried about.

Mr. OBERSTAR. Will the gentleman yield?

Mr. LATOURETTE. I would be happy to yield to the chairman.

Mr. OBERSTAR. I thank the gentleman for yielding, Mr. Chairman, to compliment the gentleman on his statement. I fully subscribe to the wise words that he has expressed and to the history he's unveiled of the evolution of passenger rail in this country. And the gentleman from Florida (Mr. MICA), my partner on the Committee on Transportation and Infrastructure—

The CHAIR. The gentleman's time has expired.

Mr. LATHAM. I would yield to the gentleman from Ohio 2 more minutes.

Mr. LATOURETTE. I yield to the gentleman.

Mr. OBERSTAR. And we worked together with the gentleman from Ohio to craft an Amtrak authorization bill that opens the door to private sector investment, that creates a sustainable path for the future of surface high-speed intercity passenger rail in this country, and with the gentleman's leadership now, Mr. Chairman, on the Appropriations Committee, we're going to advance that cause.

So I thank him for that forthright statement and am delighted that he's continuing to be such a strong advocate, and I also take this opportunity to thank my colleague on the committee, the gentleman from Florida, for the partnership we've had in advancing the cause of high-speed intercity passenger rail.

Mr. LATOURETTE. I thank the chairman very much. And I would say that if you really want to know about transportation, you talk to JIM OBERSTAR of Minnesota. The man has written most of the books, and I've learned so much of what I've learned in this Congress from sitting on the other side of the aisle from him.

□ 1315

I would only say the gentleman is going to be disappointed now because I spent 14 years on his committee, on the authorizing committee, and we always chafed at the appropriators who authorized on appropriations measures. I've now gone over to the dark side, and I think it's the most wonderful system in the world.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN) for a colloquy.

Mr. LEVIN. Mr. Chairman, section 412 of the bill provides that no funds appropriated pursuant to this act may be expended by an "entity" unless that entity agrees to comply with the Buy American Act.

The Buy American Act is part of a longstanding U.S. trade policy. That policy requires reciprocity in Federal Government procurement. Since 1979, the U.S. has agreed to open its procurement market to countries that agree to open their procurement markets to U.S. suppliers. That same policy requires the United States to not grant access to countries that are unwilling to agree to open their procurement markets to U.S. suppliers.

I believe that the intent of section 412 is to be consistent with that policy. Its intent is not to expand the scope of the Buy American Act, such as to cover businesses or other "entities" that may receive funding under this appropriations bill and that are not currently subject to the act. I also understand that section 412 is not intended to create an inconsistency with our international obligations, including our obligations under the WTO Agreement on Government Procurement.

If I might, I will now yield to the chairman for clarification.

Mr. OLVER. The gentleman is correct. Section 412 will help to ensure compliance with the Buy American Act. Because the intention is not to apply the Buy American Act to new entities, it is consistent with our international obligations.

Mr. LEVIN. I thank the chairman.

Mr. LATHAM. Mr. Chairman, I yield 5 minutes to the distinguished ranking member of the Transportation and Infrastructure Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. Thank you so much for the time, for the introduction and for the opportunity to speak on this important Transportation and HUD funding bill.

Mr. Chairman, first of all, I want to compliment Mr. OLVER and Mr. LATHAM, the two leaders of the appropriations subcommittee, on the great job that they have done and for their efforts and for the efforts of both staffs in addressing the transportation and infrastructure needs of the Nation.

This is one of the most important bills that we will pass because this job will actually put people to work. I can tell you—and my colleagues and every one of you knows the statistics—that the national unemployment is at 9.5 percent. In my State of Florida, we're at 10.5 percent. I have some counties in my district that are at 15 percent. We have a problem. One of the ways to get people working and into jobs is by building infrastructure, and we'll actually have something tangible when we get done.

I do want to raise an issue that I have with the bill, but it is not something that is the responsibility of the

authors of this legislation, Mr. OLVER or Mr. LATHAM. They have been most cooperative. We've had a great working relationship, myself as an authorizer and the two of them as appropriators.

From time to time and in the past, there have been great battles—I've seen some of them—about authorizing on an appropriations bill. Now, I went to the Rules Committee, and I didn't get a chance to speak on the rule, so I voted against its passage. I asked the Rules Committee to pass an amendment that would have sped up the process by which we could get these dollars out so that we could actually get people working sooner rather than later. I know people have asked me for bigger government programs and for more bailouts, but now they have asked for an opportunity to work, and nothing has been harder hit than transportation projects.

I've got one little quote here from the Secretary of Transportation in Pennsylvania, who says that the unemployment rate for construction workers there is 21 percent.

It's high all over the Nation, but we can get people to work. The Rules Committee ruled out of order my amendment that would have sped up the process for the consideration of transportation projects, both for stimulus and also for this type of funding legislation.

Actually, I had my staff go through, and they just tabbed one section of this, of legislating on appropriations bills. All of these tabs represent legislating on an appropriations measure, but I don't raise any questions about these. Some of this is probably fine. We've talked together, and we agree on it.

What I'm concerned about is that the Rules Committee took the bill as it stood, but failed to take my proposed amendment. They said I was legislating on appropriations. My measure, again, would have sped up the process. Don't think we can't do that. I stood here with Mr. OBERSTAR the day that the bridge collapsed over the Mississippi River in Minneapolis. We rebuilt that bridge in 437 days. Normally, the process to rebuild that, if you went through all the normal hoops and red tape and Federal requirements, would take 6-7 years. We can do the same thing because we have a national emergency now, and we need to get this transportation money that this good, well-intended and very effective subcommittee is bringing forth. It's a good measure. They work together in a bipartisan fashion.

What I'm saying is we need to get that money, the stimulus money, out. We're having the same problem with our stimulus money, getting it out. There is \$48 billion under the Department of Transportation's responsibility. So far, we have \$771 million. Let me say the State Transportation Departments across the country are doing their level best. They're doing a great job getting that money out, but that's less than \$1 billion of \$48 billion out.

There is a reason it's caught up in red tape. Let me take, not what a Republican Governor said, but what, I believe, North Carolina Governor Perdue said, which is that there is so much red tape that it's discombobulating.

Now, just for the record—and I will give the Clerks the proper spelling of "discombobulating" for the RECORD of the House—he said it's irritating. That's Perdue.

Here is a little engineer in a county in Indiana. He said, "I've got an engineer full time, and just 'bout all he's doing is red tape every day."

The CHAIR. The time of the gentleman has expired.

Mr. LATHAM. I yield the gentleman from Florida 2 additional minutes.

Mr. MICA. Again, I want to take not just the Governor or the Secretary of Transportation in Pennsylvania or the Governor of North Carolina. Here is a county engineer in Elkhart County, Indiana who says, I've got an engineer full time, and that's just 'bout all he's doing is red tape every day, filling out forms, filling out forms.

So my proposal, had the Rules Committee accepted it, would have sped up the process. I didn't come here to say we should roll over any environmental requirements or regulations. What I said is we should condense the process because this, my fellow Members of Congress, is a national emergency. If you don't think it's a national emergency, go back to your office, and find some of those letters from folks who are pleading with Congress to help them find a job, to get people employed in their families so they can pay their mortgages, so they can build their dreams like we all want to do, but they're not able to do that, and we're not able to get the money out because of the red tape and constraints.

So, again, I regret that the Rules Committee rejected my proposal. I'll be back here again.

Mr. OLVER. Will the gentleman yield?

Mr. MICA. Yes, I will always yield to the chairman.

Mr. OLVER. I thank the gentleman for yielding.

To finish this and to allow him to respond in some kind of way, I would give the gentleman additional time, Mr. Chairman.

I just wanted to say that I can remember—and probably, if you think about it a little bit, you can remember, too, because my memory is probably a lot poorer than yours—times when this bill was brought to the floor, and point of order after point of order to the level of practically stripping half the bill away were made by your committee. Well, maybe you weren't the chairman at that particular time, but a few years ago, that sort of thing did happen.

The CHAIR. The time of the gentleman from Florida has again expired.

Mr. LATHAM. I yield the gentleman an additional 2 minutes.

Mr. OLVER. Furthermore, I would just simply say, of the \$47 billion, more

than \$21 billion has been obligated. Those expenditures are going on. That's more than the amount that was intended to be obligated by the end of the 2009 fiscal year. We're already obligating the money into 2010, so it's getting out there pretty quickly. Though, I do have great sympathy for the position that you're taking in that it takes far too long, and I hope the authorizing will take care of that in a new event.

Mr. MICA. I know what went on in the past with my committee and its calling points of order on authorizing on an appropriations measure.

Let me say that I did not come to burn Rome. I came to help you build Rome. I have no objection to these, and I did not object on any, but I did object to my one. Here is 45 not being considered by the Rules Committee, and your committee is not the Rules Committee.

Let me say this, too: We have obligated money, but you know, I can't go back to my office and say, Mr. So-and-so or Madam So-and-so Constituent, we've obligated money. It's not out there, so there isn't that hope for a job. All I'm trying to do is get the money expedited so we can get jobs going again.

Finally, let me tell you why it's important to get that money out there now, folks. Listen to this. This is one American dollar. I can tell you that, right now, you will get the best deal ever to do infrastructure projects in the country.

The CHAIR. The time of the gentleman has again expired.

Mr. LATHAM. I yield the gentleman 1 additional minute.

Mr. MICA. My district secretary told me that bids are coming in 25 to 30 percent lower. Do you see this three-quarters of a dollar? I can get a dollar's worth of construction now for three-quarters of a dollar. We have American infrastructure on sale wholesale, and we should be getting that money out in the interest of taxpayers and building that.

Heaven forbid, you know, it's not like some of these other programs or like the bailouts. I didn't come here asking for a bailout. All I'm asking for is something tangible, and that's what your subcommittee provides so well for our Nation is something tangible—roads, bridges, highways, transit systems—all of which we need across this land from sea to shining sea. We're drowning in congestion. We don't have high-speed rail systems like the Europeans, Asians and other people around the world. So I don't mind spending it.

My dad used to say, "It's not how much you spend, Son. It's how you spend it."

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ), who is a member of the subcommittee.

Mr. RODRIGUEZ. Mr. Chairman, I rise today in strong support of H.R. 3288, the 2010 Transportation-HUD appropriations spending bill. In particular, I want to express my support

for the passage of the rail funding within the bill that amounts to about \$4 billion.

I want to thank Chairman OLVER for his leadership, and I want to thank the Appropriations Committee for demonstrating their commitment to passenger and high-speed rail by providing funding in this bill that will enable urban, suburban and rural communities in America to be connected by a system that will deliver safe, swift, efficient, and economical travel across our Nation. The \$4 billion provided in this bill will support a competitive grant process. The Federal Railroad Administration will oversee the grant application and award process.

For those who have concerns about the funding, I want to stress that current demand for passenger rail exceeds available funds in the pre-application process for passenger rail funding. Texas, for example, has requested \$3.1 billion; California has requested \$21.6 billion; Nevada has requested \$12.5 billion. Overall, 40 locations throughout America have requested in excess of \$104 billion.

The fact of the matter is that \$4 billion is only a small down payment of investment in passenger rail. Texas desperately needs the passenger and high-speed rail. Funding for high-speed rail will reduce congestion and pollution. It will create jobs, and it will connect America's communities. The San Antonio-Austin area is booming, and the highways are congested. America's passenger rail system is terribly underdeveloped and underfunded when compared to other nations, such as France, Italy, China, and Japan.

□ 1330

My colleagues in south Texas have joined me in supporting this bill, and I ask for the support of this piece of legislation.

Mr. LATHAM. I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY) for a colloquy.

Ms. WOOLSEY. I thank the chairman for all of your hard work on this bill.

As the chairman knows, there is a project in my district named the Sonoma-Marín Area Rail Transit project. We call it SMART. When fully up and running, SMART will be a 70-mile passenger rail system that connects 14 stations and runs right through the heart of my district.

This project is vital because it eases congestion on the major transportation artery, Highway 101, by providing an alternative mode of transportation. This is a very popular project, and actually, last November, voters in my district passed a quarter-cent sales tax measure by over two-thirds majority to raise money for SMART. So it has the support of the community when a simple majority votes on a tax measure like that.

Not only is SMART a train, but the project also includes 70 miles of bike

and pedestrian paths to run alongside the tracks, which revolutionizes transportation in my district.

Unfortunately, while SMART received nearly \$2 million in last year's Transportation-HUD bill, there are no funds in this bill this year, and it is my hope that as SMART moves into the New Starts process that the chairman will work with me to support this important transportation project.

Mr. OLVER. I thank the gentlewoman for bringing this matter to my attention. This is a good project. I support it, and I will be glad to work with the gentlewoman from California on this as it moves into the New Starts process.

Ms. WOOLSEY. I thank the chairman.

Mr. LATHAM. I continue to reserve. Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Chairman, thank you for your hard work on this legislation and also your support for Indian country in Oklahoma for many years.

I would like to bring to the gentleman's attention an inequity and an inefficiency that currently exists within the Federal programs that assist local transit agencies with their capital projects such as buses and garages. Specifically, for alternative fuel transit buses, the Federal share is 80 percent of the capital cost of a standard diesel, plus 90 percent for the cost of vehicle-related compliance with the Clean Air Act, often referred to as the incremental cost.

In short, blending the percentages, grantees may apply for an 83 percent Federal share of the total vehicle cost. This was based on the policy that such buses contribute generally to cleaner air and maintaining compliance with the Federal air quality standards.

I would like to ask the gentleman if I'm correct in stating that this bill includes a provision that allows a 90 percent Federal share for the entire cost of a biodiesel bus?

Mr. OLVER. Mr. Chairman, the gentleman from Oklahoma is correct. Section 164 of this bill allows that.

Mr. BOREN. I understand that this biodiesel provision was included in this and several past Transportation appropriations bills for air quality and petroleum displacement reasons. However, I would like to suggest to the chairman, there is no reason not to extend the same 90 percent of the total vehicle cost benefits offered to a biodiesel bus to a natural gas bus. Natural gas-powered buses produce 22 percent less greenhouse gases than comparable standard diesel buses, and they have a proven track record of displacing imported petroleum.

It is my hope that the gentleman would be willing to work with me on this issue to provide 90 percent of the total vehicle cost to natural gas buses.

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. I yield the gentleman 1 additional minute.

Mr. BOREN. That would help transit agencies accelerate the replacement of existing diesel buses with new, fuel-efficient, alternative fueled ones. This change would make a significant contribution in America's strategy for energy independence and global climate change.

Simultaneously, it would ensure clean air and the health of our citizens, and contribute to the growth of our economy.

Mr. OLVER. I appreciate the gentleman's attention to this issue. I understand that the House authorizing committee is examining this in the context of their multiyear surface transportation reauthorization bill. In the meantime, I will be happy to work with the gentleman from Oklahoma to address this issue as we move forward in this process and conference this bill with the Senate.

Mr. BOREN. I thank the chairman for his willingness to work with me on this issue.

Mr. LATHAM. I continue to reserve. Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the chairman very much and the ranking member.

I rise to support the rule that has already passed and the underlying bill.

Mr. Chairman, this is a very important step forward for the infrastructure of America, covering transportation and housing, and housing is part of infrastructure. It creates a holistic neighborhood.

I want to thank the committee for the Federal Transit Administration \$10.48 billion, which will impact the growing metro system as a New Start. I am hoping as we move forward and metro in Houston is defined as a New Start, we will also be able to use and continue to use those stimulus dollars because we are in the process of creating jobs as we speak.

I believe it is very important to support the high-speed, inner city passenger rail grants. We in Texas are working very much on high speed and believe that that is part of the transportation system of tomorrow.

I am also grateful for the airport modernization, safety and efficiency grant of \$3.5 billion representing Houston Intercontinental Airport, one of the largest airports in the Nation, modernizing air traffic control. Just recently, we met with our air traffic controllers, and I would hope as we make our way through this particular legislation we'll also focus on encouraging the FAA to be able to work on the negotiations with the air traffic controllers for a better quality of life, better work conditions.

I am grateful as well for the number of dollars being put in for vouchers for homeless veterans, \$75 million for homeless veterans; 10,000 of those veterans will be served, \$1.3 million for low-income housing. In addition, I'm delighted that we're working for more

affordable housing. We in the City of Houston are in great need, and I've been working on affordable housing for a long time.

I hope in the dollars that are going to our communities we also will be using them for what we call senior housing repair. In many of our cities, our housing stock is enormously old. It impacts our seniors, and they're in great need.

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. I yield 15 seconds to the gentleman.

Ms. JACKSON-LEE of Texas. I thank the gentleman very much.

I have a large population of public housing—we call it housing development—and I'm very grateful that \$4.8 billion has been implemented or used for that, \$200 million above the President, \$345 million above 2009 for maintenance and crime prevention and energy costs, two very important aspects.

Let me just say by concluding I thank the gentleman for his work and for his housing efforts.

Mr. LATHAM. I continue to reserve.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BERMAN) for a colloquy.

Mr. BERMAN. I thank the chairman of the subcommittee, Mr. OLVER, for yielding to me to engage in a colloquy about the importance of ensuring the fairness and objectivity of the FAA's curfew application process.

I am pleased to be joined by my good friend Mr. SCHIFF who, like me, has many constituents who are greatly affected by nighttime operations at Burbank airport.

Both Burbank Bob Hope Airport and Van Nuys Airport have been actively studying nighttime flight curfews on Stage III aircraft. The Burbank-Glendale-Pasadena Airport Authority has already submitted its completed Part 161 application to the FAA requesting a nighttime curfew.

As both Mr. SCHIFF and I know, the FAA has been all-too-willing to simply disregard the impact that nighttime flight operations have on communities living by these airports. I have constituents whose sleep is routinely disturbed by aircraft taking off or landing at all hours of the night from Burbank and Van Nuys airports.

I look forward to working with the gentleman and the authorizing committee in the future to ensure that the FAA gives fair consideration to the concerns of those who must live with airport noise day in and out.

I yield, if I may, to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman from California for yielding.

I am pleased that for the first time in 17 years the FAA has deemed the Part 161 nighttime curfew application officially complete. This is a big step in the right direction and shouldn't be overlooked.

I strongly believe that Bob Hope Airport in Burbank, California, has met the criteria for a curfew set by law and

that a curfew would impact a relatively small number of diverted flights while delivering significant reductions in both the noise impact to surrounding communities and the cost associated with sound mitigation.

However, I share my colleague's concern that the FAA has not been serious about moving forward with mandatory curfews, despite congressional intent when Part 161 was signed into law. I look forward to working with Chairman Olver and the authorizing committee to ensure that Part 161 has the meaning and credibility and that the process is real and can lead to results.

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. I yield the gentleman 1 additional minute, and would the gentleman yield?

Mr. BERMAN. I certainly yield to the chairman.

Mr. OLVER. I appreciate the remarks of the two gentlemen about the effects of airport noise on local communities and agree that the FAA has a responsibility to adequately and objectively weigh the concerns of those adversely impacted by nighttime takeoff and landings.

While I can't comment as to the specifics of the Burbank and Van Nuys curfew studies, I agree that the Part 161 process must serve as a credible and objective avenue for evaluating the merits of noise and access restrictions.

Mr. BERMAN. Reclaiming my time, I thank the chairman very much.

Mr. LATHAM. I continue to reserve, please.

Mr. OLVER. Could I inquire how much time there is available?

The CHAIR. The gentleman from Massachusetts has 10½ minutes remaining. The gentleman from Iowa has 8½ minutes remaining.

Mr. OLVER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. BRALEY) for the purposes of a colloquy.

Mr. BRALEY of Iowa. Mr. Chair, first let me thank the gentleman from Massachusetts for his hard work and dedication to moving our Nation forward in the area of transportation and all the other issues he tackles each and every day, including those he tackles with my colleague from Iowa. This bill is going to help millions of Americans, and I am pleased to support it.

I rise today in strong support of the Olver amendment to the Transportation-HUD Appropriations Act. I'm pleased to have helped secure an increase of \$3 million in this amendment for the Federal Railroad Administration's railroad research and development account. This additional money could be used for any number of research projects, including a biolubricants research study that was authorized in the Rail Safety Improvement Act of 2008, as well as other authorized activities.

The widespread use of biolubricants in the rail industry will help us reduce our dependency on foreign oil and re-

duce our national addiction to petroleum imports. If all industrial lubricants used annually in the United States could be replaced with biobased versions, over 2 billion gallons of petroleum per year would be replaced.

□ 1345

I look forward to seeing the FRA workup with ag-based lubricant testing facilities to see that this study is carried out.

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. I yield myself 1 minute. I assure the gentleman from Iowa that we will work together with the Federal Rail Administration to implement the 2008 Authorization Act.

Mr. LATHAM. I have no additional speakers and, again, I want to personally thank the chairman for his consideration and again say thank you to the great staff that we have on both sides of the aisle. It's been a real pleasure working with you. I appreciate it.

I yield back the balance of my time.

Mr. OLVER. I thank the gentleman from Iowa for his kindness and for his hard work and I certainly, again, join him in thanking the very fine staff who worked together very well in crafting this legislation.

It is a good bill. I believe it is a bill that deserves the support of the vast majority of the Members of the Congress.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I want to thank the leadership of the Transportation Appropriations Subcommittee for their work on this bill.

Our Nation's transportation system is at a crossroads. Now is not the time to scale back funding efforts to address our country's deteriorating infrastructure, worsening traffic congestion, poor air quality, energy use, and investments in high speed rail. These issues are all interrelated and will impact our economy, global competitiveness, and sustainability. The appropriations bill before us today is a good one; however, it represents a mere down payment towards addressing the critical infrastructure needs of this country. In my state, these needs are readily apparent.

The State of Texas has one of the most extensive surface transportation networks in the world. Texas has more than ten thousand miles of railtrack; more than three hundred thousand miles of roadway; and more than fifty-thousand bridges—more than any other state in the nation. Financing challenges, coupled with exploding population and trade growth, are creating a perfect storm that is pushing Texas' transportation network to its breaking point. In the absence of increased funding and innovative policies, the weight of these particular challenges will adversely impact the quality of life for my constituents and citizens throughout the state.

It is imperative that we as a body focus our attention on investing in a truly national transportation system in order to address the impending infrastructure crisis. Our ports are not able to handle the volume of freight entering the United States, railroads and highways are overwhelmed with freight and delayed by bottlenecks, and intermodal facilities need to be improved to facilitate greater efficiency. With

projected increases in imports over the next several decades, we have but a small window to make infrastructure improvements to ensure America is able to sustain its global competitiveness.

As I close, I would like to thank the subcommittee for including funding in the bill for Dallas Area Rapid Transit (DART) and the Interstate-30 Bridge Project in my congressional district. This funding will help advance these noteworthy projects and improve mobility for my constituents. I also want to thank the subcommittee for their inclusion of high speed rail funding. Relative to other developed nations, the United States ranks dead last with regards to developed high speed rail corridors. The demand in Texas for high speed rail is great, and the funding included in the bill will greatly aid high speed rail efforts in my state.

Just last week, the Texas Department of Transportation announced project requests to the U.S. Department of Transportation totaling \$1.9 billion dollars under the American Recovery and Reinvestment Act (ARRA). The high speed rail funding reflected in the bill is warranted and it is my intent to oppose the amendment offered by the gentleman from Iowa, Mr. Latham, aimed at reducing funding for this account.

I support H.R. 3288.

Mr. BLUMENAUER. Mr. Chair, the Department of Transportation estimates that the Highway Trust Fund will run short of funds this August, and that Congress will have to transfer \$5–7 billion to it to avoid a shortfall. This shortfall is occurring because the gas tax is becoming obsolete. As vehicles become more fuel efficient, they increase the demand on our transportation system, without contributing as much to its maintenance. The current revenue system has lost 33% of its purchasing power during the last 15 years, today generating only two-thirds of the revenues needed to maintain current levels of investment. Until we tie our transportation revenues to our transportation demands, this situation will worsen.

Failure to adequately fund transportation infrastructure imposes huge costs on American citizens and businesses:

Congestion costs urban Americans 4.2 billion hours and 2.8 billion unnecessary gallons of fuel each year; expressed in dollar terms this is \$87.2 billion, or \$757 per traveler.

Roughly 40,000 people every year are killed on our streets and highways, with 2.5 million more injured, at a staggering annual economic cost to society.

Higher transportation costs and higher inventory carrying costs—partially attributable to an unreliable transportation system—have pushed logistics costs to nearly 10% of GDP.

Failure to act puts America on hold, when we should be putting America to work.

It is time we sought out innovative solutions to this challenging problem. The Oregon Department of Transportation successfully tested a model where they charged drivers for the number of miles they traveled rather than the fuel they consumed. The test was convenient for drivers, protected personal privacy, and proved easily administrable. This concept was also highlighted by two blue ribbon commissions established in the prior transportation authorization. The National Surface Transportation Policy and Revenue Study Commission noted that a vehicle miles traveled charge is “the most promising alternative revenue measure” to our existing gas tax, while the National

Surface Transportation Infrastructure Financing Commission reported that “a charge for each mile driven . . . has emerged as the consensus choice for the future.” Both commissions found that this system was efficient at raising revenue, closely linked system demand to revenues, and could win broad public support.

My legislation calls on the Department of the Treasury to study the viability of this revenue source in every State. While evaluating mileage based revenue sources, Treasury will ensure the system protects privacy and is simple to administer. It will also convene working groups to address the most complex aspects of this transition, including road use, demand management and climate change, and technological needs. Finally, the bill creates a grant program to ensure the necessary technology is available.

The condition of our national highway and transit systems and the maintenance of our infrastructure, and the investments that we make in these systems, touch the life of every American, strengthen our economy, and protect our environment. I look forward to working with my colleagues to pass this important legislation.

Mr. HOYER. Mr. Chair, I rise in strong support of the Fiscal 2010 Transportation, Housing, and Urban Development Appropriations Act. This bill takes great strides to help the neediest Americans secure shelter in trying economic times. It also makes important investments in strong and user-friendly transportation systems, including our highways, airports, passenger rail lines, and transit networks.

But I particularly want to thank Chairmen OBEY and OLVER for including in this bill \$150 million to fund vitally needed capital and preventive maintenance improvements for the Washington Area Metropolitan Transit Authority, in accordance with legislation we passed last year authorizing \$1.5 billion for WMATA over the next 10 years. It has long been clear that America’s Subway deserves a strong federal commitment. After all, it serves the millions of visitors who come to visit our nation’s capital, and it is the primary public transportation system servicing the federal employees who keep our government running. But with a ridership that continues to grow, WMATA’s General Manager made it clear that the system requires more than \$11 billion in capital improvements from 2011 to 2020 to keep running. Without those funds, the system’s aging infrastructure will continue to deteriorate.

The bill includes language directing WMATA to use the funds to first address immediate safety shortfalls identified by the National Transportation Safety Board, which include, but are not limited to, the improved crashworthiness of the agency’s rail car fleet and the maintenance and modernization of WMATA’s signal and automatic train control systems. The importance of those systems was vividly and painfully demonstrated in last month’s Metro crash, which took the lives of nine commuters. For the sake of all those who rely on Metro, we must ensure that its safety meets the highest standard.

I urge my colleagues to support this strong appropriations bill and make clear our commitment to the efficiency and safety of America’s Subway.

Mr. GENE GREEN of Texas. Mr. Chair, I rise in strong support of this bill that provides

important funding for national priorities, as well as regional projects including major projects in Harris County, TX we have been working on for years. The bill makes needed investments in transportation projects, housing projects, foreclosure prevention, and numerous other priorities.

One of the most significant projects that was included because of the benefits it will provide our district and the surrounding area is the funding for Houston METRO. This was funding our office requested, was in the President’s requests, and was funded at \$75 million each for the North and Southeast Corridor Projects. FY2010 activities include final design, land acquisition, and construction for the first segments on these two lines.

Also included in the bill was \$400,000 for the flyover connecting HWY 146 and Spur 330. While this is a fraction of what I requested, it should allow additional design and planning on the project to begin. Our district encompasses a significant portion of the hurricane-threatened Gulf Coast of Texas. The State-mandated evacuation plan calls for the 70,000 residents of Baytown to travel south on Highway 146 to Spur 330 and to turn north for travel to Interstate 10. There is a direct connector from Spur 330 to I-10 westbound, however there is a major pinch point at the intersection of Highway 146 and Spur 330. All the evacuating residents must exit the main lanes and travel through three signalized intersections before reconnecting with a limited access highway.

Not only do these intersections create a bottleneck for evacuees, they also make it difficult for local emergency personnel to cross while preparing for and responding to an approaching emergency. All areas south of Highway 146 are in the storm surge zone, making evacuation mandatory, not voluntary. Our district also encompasses the entire Houston Ship Channel area and the resulting threats associated with these vital energy complexes. In addition to the evacuation criticality of this flyover, the efficient and safe movement of hazardous materials by the elimination of local traffic interaction will benefit a large portion of the District. I look forward to working with the Chairman in the future to ensure this critical project receives additional funding.

There was also \$200,000 included to acquire property along Buffalo Bayou’s East Sector to create park land for continued development of the Buffalo Bayou greenway. The Buffalo Bayou Greenway Initiative promotes the economic development of Houston’s innercity. The project has a major quality of life impact on not only the East End but on the entire Houston region, and I am pleased the Committee continued to provide federal funding to progress this ongoing effort. The project is taking abandoned property that is no longer viable for industrial use and transforming it into park space that is providing residents with recreational and environmental education opportunities.

Mr. Chair, I fully support this bill that provides increased resources for our nation’s transportation needs, as well as strengthening social safety nets for those most in need. I urge all my colleagues to join me in supporting the passage of H.R. 3288.

Mr. OLVER. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule and the bill shall be considered read through page 160, line 6.

The text of that portion of the bill is as follows:

H.R. 3288

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$102,556,000, of which not to exceed \$2,631,000, shall be available for the immediate Office of the Secretary; not to exceed \$986,000, shall be available for the immediate Office of the Deputy Secretary; not to exceed \$20,359,000, shall be available for the Office of the General Counsel; not to exceed \$11,100,000, shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$10,559,000, shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,440,000, shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$25,520,000, shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,055,000, shall be available for the Office of Public Affairs; not to exceed \$1,658,000, shall be available for the Office of the Executive Secretariat; not to exceed \$1,433,000, shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$10,600,000, shall be available for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$13,215,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed \$60,000, shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000, in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems, and reengineering business processes, \$5,000,000, to remain available until expended.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,667,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems

development, development activities, and making grants, to remain available until expended, \$14,733,000.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$147,569,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans for short-term working capital, \$342,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$570,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$3,074,000, to remain available until September 30, 2011: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)  
(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the Essential Air Service Program pursuant to 49 U.S.C. 41731 through 41742, \$125,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That, if the funds under this heading are insufficient to meet the costs of the Essential Air Service Program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the Essential Air Service Program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. None of the funds made available under this Act may be obligated or expended

to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 103. The Secretary or his or her designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

FEDERAL AVIATION ADMINISTRATION  
OPERATIONS  
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108-176, \$9,347,168,000, of which \$5,190,798,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$7,300,739,000 shall be available for air traffic organization activities; not to exceed \$1,231,765,000 shall be available for aviation safety activities; not to exceed \$14,737,000 shall be available for commercial space transportation activities; not to exceed \$113,681,000 shall be available for financial services activities; not to exceed \$100,428,000 shall be available for human resources program activities; not to exceed \$341,977,000 shall be available for region and center operations and regional coordination activities; not to exceed \$190,063,000 shall be available for staff offices; and not to exceed \$49,778,000 shall be available for information services: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary utilize not less than \$17,084,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108-176: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, including funds from fees authorized under Chapter 453 of title 49, United

States Code, other than those authorized by Section 45301(a)(1) of that title, which shall be available for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than \$9,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That of the funds available under this heading not to exceed \$500,000 shall be provided to the Department of Transportation's Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code, and not to exceed \$120,000 shall be provided to that office through reimbursement to conduct the annual Enterprise Services Center Statement on Auditing Standards 70 audit: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

FACILITIES AND EQUIPMENT  
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of National Airspace Systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, \$2,925,202,000, of which \$2,455,202,000 shall remain available until September 30, 2012, and of which \$470,000,000 shall remain available until September 30, 2010: *Provided*, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2011 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2011 through 2015, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT  
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$195,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2012:

*Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS  
(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$3,000,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,515,000,000 in fiscal year 2010, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than \$93,422,000 shall be obligated for administration, not less than \$15,000,000 shall be available for the airport cooperative research program, not less than \$22,472,000 shall be for Airport Technology Research.

ADMINISTRATIVE PROVISIONS—FEDERAL  
AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2010.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2010, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall

be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. (a) Section 44302(f)(1) of title 49, United States Code, is amended—

(1) by striking "September 30, 2009," and inserting "September 30, 2010,"; and

(2) by striking "December 31, 2009," and inserting "December 31, 2010,".

(b) Section 44303(b) of such title is amended by striking "December 31, 2009," and inserting "December 31, 2010,".

SEC. 115. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 116. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non-revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 117. None of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 118. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

FEDERAL HIGHWAY ADMINISTRATION  
LIMITATION ON ADMINISTRATIVE EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

Not to exceed \$413,533,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed \$3,524,000 shall be paid from appropriations made available by this Act and transferred to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of projects and programs of the Federal Highway Administration, and not to exceed \$285,000 shall be paid from appropriations made available by this Act and provided to that office through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code. In addition, not to exceed \$3,220,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$41,107,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2010: *Provided*, That within the \$41,107,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title

5 of Public Law 109-59) for fiscal year 2010: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$41,846,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

SURFACE TRANSPORTATION PRIORITIES

For the necessary expenses of certain highway and surface transportation projects, \$125,700,000, to remain available until expended: *Provided*, That the amount provided under this heading shall be made available for the eligible programs, projects, and activities identified under this heading in the report accompanying this Act: *Provided further*, That a project is an eligible project under this heading if the project is eligible for assistance under title 23 or chapter 53 of title 49, United States Code: *Provided further*, That funds provided under this heading shall be administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and the Federal share payable on account of any program, project, or activity carried out with funds made available under this heading shall be determined in accordance with section 120(b) of title 23, United States Code: *Provided further*, That notwithstanding any other provision of law and the preceding clauses of this provision, the Secretary of Transportation may use amounts made available under this heading to make grants for any surface transportation project otherwise eligible for funding under title 23 or title 49, United States Code.

ADMINISTRATIVE PROVISIONS—FEDERAL  
HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2010, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the day before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Ac-

count) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute \$2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation

Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to \$639,000,000 for each of fiscal years 2005 through 2010; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of non-toll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a non-toll lane for purposes of determining whether a highway will have fewer non-toll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 123. (a) In the explanatory statement referenced in section 129 of division K of Pub-

lic Law 110-161 (121 Stat. 2388), the item relating to “Route 5 Overpass and River Center, St. Mary’s County, MD” in the table of projects for such section 129 is deemed to be amended by striking “Route 5 Overpass and River Center, St. Mary’s County, MD” and inserting “Safety Improvements and Traffic Calming Measures along Route 5 at St. Mary’s County, MD”.

(b) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111-8 (123 Stat. 947), the item relating to “US 422 River Crossing Complex Project, King of Prussia, PA” in the table of projects under the heading “Transportation, Community, and System Preservation Program” is deemed to be amended by striking “US 422 River Crossing Complex Project, King of Prussia, PA” and inserting “For closed loop signal control system and other improvements for Trooper Road in Lower Providence and West Norriton Townships, Montgomery County, PA”.

(c) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111-8 (123 Stat. 947), the item relating to “Improving the West Bank River Front, IL” in the table of projects under the heading “Transportation, Community, and System Preservation Program” is deemed to be amended by striking “Improving the West Bank River Front, IL” and inserting “East Bank River Front and Bikeway Improvements, IL”.

(d) In the explanatory statement referenced in section 186 of title I of division K of Public Law 110-161 (121 Stat. 2406), as amended by section 129(d) of division I of Public Law 111-8 (123 Stat. 947), the item relating to “Repair of Side Streets and Relocation of Water Mains resulting from rerouting of traffic and reconstruction of 159th Street in Harvey, IL” in the table of projects under the heading “Transportation, Community, and System Preservation Program” is deemed to be amended by striking “Repair of Side Streets and Relocation of Water Mains resulting from rerouting of traffic and reconstruction of 159th Street in Harvey, IL” and inserting “Intersection Improvements on Crawford Avenue and 203rd Street in the Village of Olympia Fields, IL”.

(e) In the explanatory statement referenced in section 129 of division K of Public Law 110-161 (121 Stat. 2388), the item relating to “Study Improvements to 109th Avenue, Winfield, IN” in the table of projects for such section 129 is deemed to be amended by striking “Winfield, IN” and inserting “Town of Winfield, City of Crown Point, Lake County, IN”.

(f) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111-8 (123 Stat. 947), the item relating to “Ronald Reagan Parkway (Middle and Southern segments), Boone County, IN” in the table of projects under the heading “Transportation, Community, and System Preservation Program” is deemed to be amended by striking “Boone County” and inserting “Hendricks County”.

(g) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111-8 (123 Stat. 947), the item relating to “Onville Road Intersection and Road-Widening Project, Prince William County, VA” in the table of projects under the heading “Federal Lands” is deemed to be amended by striking “Prince William” and inserting “Stafford”.

(h) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111-8 (123 Stat. 947), the item relating to “U.S. 59/Alabama Grade Separation Project, St. Joseph, MO” in the table of projects under the heading “Interstate Maintenance Discretionary” is deemed to be amended by striking “U.S. 59/Alabama Grade

Separation Project, St. Joseph, MO” and inserting “I-29 Interchange Reconstruction in St. Joseph, MO”.

(i) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111-8 (123 Stat. 947), the item relating to “Decking and Sidewalk Replacement on the Central Avenue Overpass, South Charleston, WV” in the table of projects under the heading “Interstate Maintenance Discretionary” is deemed to be amended by striking “Decking and Sidewalk Replacement on the Central Avenue Overpass, South Charleston, WV” and inserting “General Interstate Maintenance, WV”.

(j) In the explanatory statement referenced in section 125 of title I of division I of Public Law 111-8 (123 Stat. 928), the item relating to “Wapsi Great Western Line Trail, Mitchell County, IA” is deemed to be amended by striking “Mitchell County” and inserting “Mitchell and Howard Counties”.

(k) In the explanatory statement referenced in section 125 of title I of division I of Public Law 111-8 (123 Stat. 928), the item relating to “Highway 169 Corridor Project Environmental Assessment, Preliminary Engineering and Planning, Humboldt, IA” is deemed to be amended by striking “Corridor Project Environmental Assessment, Preliminary Engineering and Planning, Humboldt, IA” and inserting “Construction, Humboldt and Webster Counties, IA”.

(l) In the explanatory statement referenced in section 125 of title I of division I of Public Law 111-8 (123 Stat. 928), the item relating to “Highway 53 Interchanges, WI” is deemed to be amended by striking “Interchanges” and inserting “Intersections”.

FEDERAL MOTOR CARRIER SAFETY  
ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND  
PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109-59, \$239,828,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: *Provided*, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of \$239,828,000, for “Motor Carrier Safety Operations and Programs”, of which \$8,500,000, is for the research and technology program to remain available for obligation until September 30, 2011, and \$1,000,000 shall be available for commercial motor vehicle operator’s grants to carry out section 4134 of Public Law 109-59: *Provided further*, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: *Provided further*, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 30, 2010, and September 30, 2010, on the agency’s ability to meet its requirement to conduct compliance reviews on high-risk carriers.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United

States Code, and sections 4126 and 4128 of Public Law 109-59, \$310,070,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$310,070,000, for “Motor Carrier Safety Grants”; of which \$212,070,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; \$25,000,000, shall be available for the commercial driver’s license improvements program to carry out section 31313 of title 49, United States Code; \$32,000,000, shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; \$5,000,000, shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; \$25,000,000, shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109-59; \$3,000,000, shall be available for the safety data improvement program to carry out section 4128 of Public Law 109-59; and \$8,000,000, shall be available for the commercial driver’s license information system modernization program to carry out section 31309(e) of title 49, United States Code: *Provided further*, That of the funds made available for the motor carrier safety assistance program, \$29,000,000, shall be available for audits of new entrant motor carriers.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 135. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107-87 and section 6901 of Public Law 110-28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109-59 and chapter 301 and part C of subtitle VI of title 49, United States Code, \$131,736,000, of which \$32,045,000 shall remain available until September 30, 2011: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, \$108,642,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of \$108,642,000 for programs authorized under 23 U.S.C. 403: *Provided further*, That within the \$108,642,000 obligation limitation for operations and research, \$26,908,000 shall

remain available until September 30, 2011 and shall be in addition to the amount of any limitation imposed on obligations for future years.

NATIONAL DRIVER REGISTER  
(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, \$4,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2010, are in excess of \$4,000,000 for the National Driver Register authorized under such chapter.

NATIONAL DRIVER REGISTER

For an additional amount for the “National Driver Register” as authorized by chapter 303 of title 49, United States Code, \$3,350,000, to remain available through September 30, 2011: *Provided*, That the funding made available under this heading shall be used to carry out the modernization of the National Driver Register.

HIGHWAY TRAFFIC SAFETY GRANTS  
(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, to remain available until expended, \$619,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of \$619,500,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, of which \$235,000,000 shall be for “Highway Safety Programs” under 23 U.S.C. 402; \$25,000,000 shall be for “Occupant Protection Incentive Grants” under 23 U.S.C. 405; \$124,500,000 shall be for “Safety Belt Performance Grants” under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2011 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years; \$34,500,000 shall be for “State Traffic Safety Information System Improvements” under 23 U.S.C. 408; \$139,000,000 shall be for “Alcohol-Impaired Driving Countermeasures Incentive Grant Program” under 23 U.S.C. 410; \$18,500,000 shall be for “Administrative Expenses” under section 2001(a)(11) of Public Law 109-59; \$29,000,000 shall be for “High Visibility Enforcement Program” under section 2009 of Public Law 109-59; \$7,000,000 shall be for “Motorcyclist Safety” under section 2010 of Public Law 109-59; and \$7,000,000 shall be for “Child Safety and Child Booster Seat Safety Incentive Grants” under section 2011 of Public Law 109-59: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed \$500,000 of the funds made available for section 410 “Alcohol-Impaired Driving Countermeasures Grants” shall be available for technical assistance to the States: *Provided further*, That not to exceed \$750,000 of the funds made available for the “High Visibility Enforce-

ment Program” shall be available for the evaluation required under section 2009(f) of Public Law 109-59.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional \$130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

FEDERAL RAILROAD ADMINISTRATION  
SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$172,533,000, of which \$15,300,000 shall remain available until September 30, 2011.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$34,145,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2010.

RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

For necessary expenses of carrying out section 20154 of title 49, United States Code, \$40,000,000, to remain available until expended.

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

To enable the Secretary of Transportation to make passenger rail grants for capital projects as authorized under sections 26106 and 24406 of title 49, United States Code; the acquisition of new rolling stock; and to enter into cooperative agreements for these purposes, \$4,000,000,000, to remain available until September 30, 2015: *Provided*, That \$50,000,000 of funds provided under this paragraph are available to the Administrator of the Federal Railroad Administration to fund the award and oversight of financial assistance made under this paragraph: *Provided further*, That up to \$30,000,000 of the funds provided under this paragraph are available to the Administrator for the purposes of conducting research and demonstrating technologies supporting the development of passenger rail service that is expected to maintain an average speed of 110 miles per hour or is reasonably expected to reach speeds of at least 150

miles per hour, including the implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: *Provided further*, That up to \$50,000,000 of the funds provided under this paragraph may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator or a state rail plan consistent with chapter 227 of title 49, United States Code: *Provided further*, That the Secretary shall issue regulations covering application procedures and grant criteria for the passenger rail grants provided under this paragraph: *Provided further*, That the Federal share payable of the costs for which financial assistance is made under this paragraph shall not exceed 80 percent: *Provided further*, That in addition to the provisions of title 49, United States Code, that apply to the passenger rail programs funded under this paragraph, sections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this paragraph: *Provided further*, That a project need not be in a state rail plan developed under chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: *Provided further*, That up to \$5,000,000 of the funds provided under this paragraph are available to the Administrator for the purposes of implementing section 24316 of title 49, United States Code: *Provided further*, That if legislation authorizing a national infrastructure bank is enacted prior to September 30, 2010, beginning on October 1, 2010, the Secretary of Transportation may use up to \$2,000,000,000, of the amount appropriated in this paragraph to carry out such legislation including by transferring funds to the appropriate Federal agency to carry out the national infrastructure bank: *Provided further*, That if legislation enacting a national infrastructure bank is not enacted by September 30, 2010, the Secretary may use an additional \$20,000,000 of the funds available under this paragraph for the award and oversight of financial assistance made under this paragraph: *Provided further*, That recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

#### OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101(a) of the Passenger Rail Investment and Improvement Act of 2008 (Division B of Pub. L. 110-432), \$553,348,000, to remain available until September 30, 2010: *Provided*, That the amounts available under this heading shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That the Secretary may retain up to one-half of one percent of the funds provided under this heading to implement the Operating Grants to the National Railroad Passenger Corporation in fiscal year 2010: *Provided further*, That the Corporation is directed to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: *Pro-*

*vided further*, That the Inspector General of the Department of Transportation shall report to the House and Senate Committees on Appropriations beginning 3 months after the date of the enactment of this Act and quarterly thereafter with estimates of the savings accrued as a result of all operational reforms instituted by the Corporation: *Provided further*, That the Inspector General of the Department of Transportation shall provide a report recommending to the House and Senate Committees on Appropriations 180 days after the date of the enactment of this Act on possible operational reforms that could be instituted by the Corporation: *Provided further*, That not later than 120 days after enactment of this Act, the Corporation shall transmit to the House and Senate Committees on Appropriations its Fiscal Year 2011 plan to improve the financial performance of food and beverage service and its plan to improve the financial performance of first class service (including sleeping car service): *Provided further*, That the Corporation shall report quarterly to the House and Senate Committees on Appropriations on its progress against the milestones and target dates contained in its financial performance improvement plan provided in fiscal year 2009 and quantify savings realized to date on a monthly basis compared to those projected in the plan, identify any changes in the plan or delays in implementing these plans, and identify the causes of delay and proposed corrective measures: *Provided further*, That the National Railroad Passenger Corporation shall submit, in electronic format, to the House and Senate Committees on Appropriations, a budget, business plan and a 5-Year Financial Plan beginning with fiscal year 2010, consistent with the provisions of section 204 of the Passenger Rail Investment and Improvement Act of 2008 (Division B of Pub. L. 110-432): *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall also include a separate accounting of targets for the Northeast Corridor; commuter service; long distance Amtrak service; state-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: *Provided further*, That, these plans shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement, and expansion of the Amtrak fleet: *Provided further*, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities: *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall include a description of work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by these plans: *Provided further*, That the Corporation shall provide monthly reports in electronic format regarding the budget, business plan, and 5-Year Financial Plan, which shall describe the work completed to date, any changes to any plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: *Provided further*, That the Corporation's budget, business plan, 5-Year Financial Plan, and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: *Provided further*, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agree-

ment of June 28, 2002, in the same manner as in effect on the date of enactment of this Act.

#### NATIONAL RAILROAD PASSENGER CORPORATION OFFICE OF THE INSPECTOR GENERAL

To enable the Secretary of Transportation to make a grant to the National Railroad Passenger Corporation Office of the Inspector General for auditing the operations and capital expenditures of the National Railroad Passenger Corporation, as authorized by section 101(b) of the Passenger Rail Investment and Improvement Act of 2008 (Division B of Pub. L. 110-432), \$19,000,000.

#### CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for capital grants supporting intercity passenger services as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (Division B of Pub. L. 110-432), \$929,625,000, to remain available until September 30, 2010, of which not to exceed \$264,000,000 shall be for debt service obligations as authorized by section 102 of that Act: *Provided*, That in addition to the project management oversight funds authorized under section 101(d) of that Act, the Secretary may retain up to an additional one-half of one percent of the funds provided under this heading to fund expenses associated with implementing sections 208 and 212 of that Act, including the amendments made by section 212 to section 24905 of title 49, United States Code: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: *Provided further*, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2010 business plan.

#### ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 151. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: *Provided*, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

SEC. 152. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word "services" shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 153. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection

cars and equipment in connection with the automated track inspection program.

SEC. 154. The Administrator of the Federal Railroad Administration shall submit a report on April 1, 2010, and quarterly reports thereafter, to the House and Senate Committees on Appropriations detailing the Administrator's efforts at improving the on-time performance of Amtrak intercity rail service operating on non-Amtrak owned property. Such reports shall compare the most recent actual on-time performance data to pre-established on-time performance goals that the Administrator shall set for each rail service, identified by route. Such reports shall also include whatever other information and data regarding the on-time performance of Amtrak trains the Administrator deems to be appropriate.

SEC. 155. In the Explanatory Statement referenced in division I of Public Law 111-8 under the heading Railroad Research and Development the item relating to "San Gabriel trench grade separation project, Alameda Corridor, CA" is deemed to be amended by inserting "Alameda Corridor East Construction Authority Grade Separations, CA."

SEC. 156. In the Explanatory Statement referenced in division K of Public Law 110-161 under the heading Rail Line Relocation and Improvement Program the item relating to "Mt. Vernon railroad cut, NY" is deemed to be amended by inserting "Rail Line and Station Improvement and Rehabilitation, Mount Vernon, NY."

FEDERAL TRANSIT ADMINISTRATION  
ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$97,478,000: *Provided*, That of the funds available under this heading, not to exceed \$1,809,000 shall be available for travel: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That of the amounts made available under this heading not to exceed \$75,000 shall be paid from appropriations made available by this Act and provided to the Department of Transportation Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code: *Provided further*, That upon submission to the Congress of the fiscal year 2011 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2011.

FORMULA AND BUS GRANTS  
(LIQUIDATION OF CONTRACT AUTHORITY)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, \$8,852,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, shall not exceed total obligations of \$8,343,171,000 in fiscal year 2010.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312-5315, 5322, and 5506, \$65,670,000, to remain available until ex-

ended: *Provided*, That \$10,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, \$4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and \$7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That \$44,370,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out section 5309 of title 49, United States Code, \$1,827,343,000, to remain available until expended, of which not to exceed \$200,000,000 is for section 5309(e) of such title: *Provided*, That \$2,000,000, shall be transferred to the Department of Transportation Office of Inspector General from funds set aside for the execution of contracts pursuant to section 5327(c) of title 49, United States Code, for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems.

WASHINGTON METROPOLITAN AREA TRANSIT  
AUTHORITY

For necessary expenses to carry out section 601 of Division B of Public Law 110-432, \$150,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL  
TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under "Federal Transit Administration, Capital Investment Grants" and for bus and bus facilities under "Federal Transit Administration, Formula and Bus Grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2012, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2009, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading "Federal Transit Administration, Capital investment grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. During fiscal year 2010, each Federal Transit Administration grant for a project that involves the acquisition or rehabilitation of a bus to be used in public transportation shall be funded for 90 percent of the net capital costs of a biodiesel bus or a factory-installed or retrofitted hybrid electric propulsion system and any equipment related to such a system: *Provided*, That the Secretary shall have the discretion to determine, through practicable administrative procedures, the costs attributable to the system and related equipment.

SEC. 165. Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of

Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 166. (a) In the explanatory statement referenced in section 186 of title I of division K of Public Law 110-161 (121 Stat. 2406), the item relating to "Broward County Southwest Transit Facility" in the table of projects under the heading "Bus and Bus Facilities" is deemed to be amended by striking "Southwest" and inserting "Ravenswood".

(b) The explanatory statement referenced in section 186 of title I of division I of Public Law 111-8 for "Alternatives analysis" under "Federal Transit Administration—Formula and Bus Grants" is deemed to be amended by striking "Hudson-Bergen Light Rail Extension Route 440, North Bergen, NJ" and inserting "Hudson-Bergen Light Rail Extension Route 440, Jersey City, NJ".

(c) Funds made available for the Phoenix Heavy Maintenance Facility, Phoenix Dial-a-Ride facility, and the Phoenix Regional Heavy Bus Maintenance Facility in Arizona through the Department of Transportation Appropriations Acts for Fiscal Years 2005 and 2008 that remain unobligated or unexpended shall be made available to the East Baseline Park-and-Ride Facility in Phoenix, Arizona.

SAINT LAWRENCE SEAWAY DEVELOPMENT  
CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE  
(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, \$32,324,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

MARITIME ADMINISTRATION  
MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a United States flag merchant fleet to serve the national security needs of the United States, \$174,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$140,900,000, of which \$31,677,000 shall remain available until September 30, 2010, for salaries and benefits of employees of the United States Merchant Marine Academy; of which \$15,391,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which \$11,240,000 shall remain available until expended for maintenance and repair of training ships at State maritime academies.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$15,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI)  
PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, not to exceed \$3,630,000, which shall be transferred to and merged with the appropriation for "Operations and Training", Maritime Administration.

ADMINISTRATIVE PROVISIONS—MARITIME  
ADMINISTRATION

SEC. 175. Notwithstanding any other provision of this Act, the Maritime Administration may furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under the control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 176. Section 51314 of title 46, United States Code, is amended in subsection (b) by inserting at the end "Such fees shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be refunded to the Midshipmen through a mechanism approved by the Secretary. The Academy shall maintain a separate and detailed accounting of fee revenue and all associated expenses."

PIPELINE AND HAZARDOUS MATERIALS SAFETY  
ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, \$19,968,000, of which \$639,000 shall be derived from the Pipeline Safety Fund: *Provided*, That \$1,000,000 shall be transferred to "Pipeline Safety" in order to fund "Pipeline Safety Information Grants to Communities" as authorized under section 60130 of title 49, United States Code.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$36,500,000, of which \$2,699,000 shall remain available until September 30, 2012: *Provided*, That up to \$800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from states, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$105,239,000, of which \$18,905,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2012; and of which \$86,334,000 shall be derived from the Pipeline Safety Fund, of

which \$47,332,000 shall remain available until September 30, 2012.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), \$188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2011: *Provided*, That not more than \$28,318,000 shall be made available for obligation in fiscal year 2010 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)-(c): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his or her designee.

RESEARCH AND INNOVATIVE TECHNOLOGY  
ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, \$12,834,000, of which \$6,036,000 shall remain available until September 30, 2012: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$74,839,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$29,800,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, to result in a final appropriation from the general fund estimated at no more than \$28,550,000.

GENERAL PROVISIONS—DEPARTMENT OF  
TRANSPORTATION

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation

shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Research and University Research Centers" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Funds provided or limited in this Act under the appropriate accounts within the Federal Highway Administration, the Federal Railroad Administration and the Federal Transit Administration shall be for the eligible programs, projects and activities in the corresponding amounts identified in the explanatory statement accompanying this Act for "Ferry Boats and Ferry Terminal Facilities", "Federal Lands", "Interstate Maintenance Discretionary", "Transportation, Community and System Preservation Program", "Delta Region Transportation Development Program", "Rail Line Relocation and Improvement Program", "Rail-highway crossing hazard eliminations", "Alternatives analysis", and "Bus and bus facilities".

SEC. 187. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 188. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$500,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any grant or cooperative agreement from the Federal Railroad Administration; or (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That the Secretary gives concurrent notification to the

House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

SEC. 189. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 190. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107-300.

SEC. 191. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: *Provided*, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 192. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 193. Notwithstanding section 3324 of Title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109-59: *Provided*, that the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high quality performance under the contract.

This title may be cited as the "Department of Transportation Appropriations Act, 2010".

#### TITLE II

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### MANAGEMENT AND ADMINISTRATION

##### EXECUTIVE DIRECTION

For necessary salaries and expenses for Executive Direction, \$25,969,000, of which not to exceed \$4,619,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed \$1,703,000 shall be available for the Office of Hearings and Appeals; not to exceed \$778,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$727,000 shall be available for the immediate Office of the Chief Financial Officer; not to exceed \$1,474,000 shall be available for the immediate Office of the General Counsel; not to exceed \$2,912,000 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed \$3,110,000 shall be available for the Office of the Assistant Secretary for Public Affairs; not to exceed \$1,218,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,125,000 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed \$1,781,000 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed \$3,497,000 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed \$1,097,000 shall be available to the Office of the Assistant Secretary for Policy Development and Research; and not to exceed \$928,000 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity: *Provided*, That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following written notification to the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for prior approval to the House and Senate Committees on Appropriations: *Provided further*, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide all signed reports required by Congress electronically: *Provided further*, That not to exceed \$25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

#### ADMINISTRATION, OPERATIONS AND MANAGEMENT

For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, \$537,897,000, of which not to exceed \$76,958,000 shall be available for the personnel compensation and benefits of the Office of Administration; not to exceed \$11,277,000 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed \$51,275,000 shall be available for the personnel compensation and benefits of the Office of Field Policy and Management; not to exceed \$14,649,000 shall be available for the personnel compensation and benefits of the Office of the Chief Pro-

urement Officer; not to exceed \$35,197,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed \$89,062,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the General Counsel; not to exceed \$3,296,000 shall be available for the personnel compensation and benefits of the Office of Departmental Equal Employment Opportunity; not to exceed \$1,393,000 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; not to exceed \$2,400,000 shall be available for the personnel compensation and benefits for the Office of Sustainability; not to exceed \$2,520,000 shall be available for the personnel compensation and benefits for the Office of Strategic Planning and Management; and not to exceed \$249,870,000 shall be available for non-personnel expenses of the Department of Housing and Urban Development: *Provided*, That, funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: *Provided further*, That the Secretary of Housing and Urban Development is authorized to transfer funds appropriated for any office included in Administration, Operations and Management to any other office included in Administration, Operations and Management only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 10 percent by all such transfers.

#### PERSONNEL COMPENSATION AND BENEFITS

##### PUBLIC AND INDIAN HOUSING

For necessary personnel compensation and benefits expenses of the Office of Public and Indian Housing, \$197,074,000.

##### COMMUNITY PLANNING AND DEVELOPMENT

For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, \$98,989,000.

##### HOUSING

For necessary personnel compensation and benefits expenses of the Office of Housing, \$374,887,000.

##### OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

For necessary personnel compensation and benefits expenses of the Office of the Government National Mortgage Association, \$11,095,000, to be derived from the GNMA guarantees of mortgage backed securities guaranteed loan receipt account.

##### POLICY DEVELOPMENT AND RESEARCH

For necessary personnel compensation and benefits expenses of the Office of Policy Development and Research, \$21,138,000.

##### FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, \$71,800,000.

##### OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, \$7,151,000.

PUBLIC AND INDIAN HOUSING  
TENANT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (“the Act” herein), not otherwise provided for, \$14,242,200,000, to remain available until expended, shall be available on October 1, 2009 (in addition to the \$4,000,000,000 previously appropriated under this heading that will become available on October 1, 2009), and \$4,000,000,000, to remain available until expended, shall be available on October 1, 2010: *Provided*, That the amounts made available under this heading are provided as follows:

(1) \$16,387,200,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose vouchers initially funded in fiscal year 2008 and 2009 (such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Non-elderly Disabled Vouchers): *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2010 funding cycle shall provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recent Federal fiscal year and by applying the most recent Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to family self-sufficiency program escrow accounts or first-time renewals including tenant protection or HOPE VI vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency’s authorized level of units under contract: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency’s allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the last two provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: *Provided further*, That the Secretary may extend the 60-day notification period with the written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That up to \$150,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for adjustments for public housing agencies with voucher leasing rates at the end of the calendar year that exceed the average leasing for the 12-month period used to establish the allocation; (3) for adjustments for the costs associated with VASH vouchers; or (4) for vouchers that were

not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act.

(2) \$120,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106-569, as amended, or under the authority as provided under this Act: *Provided*, That the Secretary may provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject to the availability of funds.

(3) \$1,600,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: *Provided*, That no less than \$1,550,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2010 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2009 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities.

(4) \$75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as des-

ignated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over.

(5) \$60,000,000 shall be for family self-sufficiency coordinators under section 23 of the Act.

HOUSING CERTIFICATE FUND

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading “Annual Contributions for Assisted Housing” and the heading “Project-Based Rental Assistance”, for fiscal year 2010 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the “Act”) \$2,500,000,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2010 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term “obligate” means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That up to \$15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further*, That of the total amount provided under this heading, not to exceed \$20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters, excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.), occurring

in fiscal year 2010: *Provided further*, That of the total amount provided under this heading, \$50,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z-6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That of the total amount provided under this heading, up to \$8,820,000 is to support the costs of administrative and judicial receiverships: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2010 to public housing agencies that are designated high performers.

#### PUBLIC HOUSING OPERATING FUND

For 2010 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), \$4,800,000,000.

#### REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), \$250,000,000, to remain available until September 30, 2011, of which the Secretary of Housing and Urban Development shall use \$10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

#### NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), \$750,000,000, to remain available until expended: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, \$3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and \$4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to \$300,000 for related travel: *Provided further*, That of the amount provided under this heading, \$2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional

Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$18,000,000.

#### NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), \$12,000,000, to remain available until expended: *Provided*, That of this amount, \$300,000 shall be for training and technical assistance activities, including up to \$100,000 for related travel by Hawaii-based HUD employees.

#### INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a), \$7,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to \$919,000,000: *Provided further*, That up to \$750,000 shall be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

#### NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13b), \$1,044,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$41,504,255.

#### COMMUNITY PLANNING AND DEVELOPMENT HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$350,000,000, to remain available until September 30, 2011, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2012: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section.

#### COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$4,600,607,000, to remain available until September 30, 2012, unless otherwise specified: *Provided*, That of the total amount provided, \$4,166,607,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall

be expended for planning and management development and administration: *Provided further*, That \$65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to \$3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, \$151,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: *Provided*, That none of the funds provided under this paragraph may be used for program operations: *Provided further*, That, for fiscal years 2008, 2009 and 2010, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, \$18,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

The referenced statement of the managers under this heading "Community Planning and Development" in title II of division K of Public Law 110-161 is deemed to be amended by striking "Custer County, ID for acquisition of an unused middle school building" and inserting "Custer County, ID, to construct a community center".

The referenced statement of the managers under this heading "Community Planning and Development" in title II of division I of Public Law 111-8 is deemed to be amended by striking "Custer County, ID, to purchase a middle school building" and inserting "Custer County, ID, to construct a community center".

Of the amounts made available under this heading, \$150,000,000 shall be made available for a Sustainable Communities Initiative to stimulate improved regional planning efforts that integrate housing and transportation decisions, and to challenge communities to reform zoning and land use ordinances: *Provided*, That \$100,000,000 shall be for Regional Planning Grants to support the linking of transportation and land use planning: *Provided further*, That \$40,000,000 shall be for Metropolitan Challenge Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: *Provided further*, That up to \$10,000,000 shall be for a joint Department of Housing and Urban Development and Department of Transportation research effort that shall include a rigorous evaluation of the Regional Planning Grants and Metropolitan Challenge Grants programs: *Provided further*, That of the amounts made available under this heading, \$25,000,000 shall be made available for the Rural Innovation Fund to address the problems of concentrated rural housing distress and community poverty: *Provided further*, That of the amounts made available under this heading, \$25,000,000 shall be made available for the University Community Fund for grants to assist universities in revitalizing their surrounding communities, with special attention to Historically

Black Colleges and Universities, Tribal Colleges and Universities, Alaska Native/Native Hawaiian Institutions, and Hispanic-Serving Institutions: *Provided further*, That the Secretary shall develop and publish guidelines for the use of such competitive funds including, but not limited to, eligibility criteria, minimum grant amounts, and performance metrics.

#### COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, \$6,000,000, to remain available until September 30, 2011, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

#### BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, \$25,000,000, to remain available until September 30, 2011: *Provided*, That no funds made available under this heading may be used to establish loan loss reserves for the section 108 Community Development Loan Guarantee program.

#### HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (42 U.S.C. 12721 et seq.), \$2,000,000,000, to remain available until September 30, 2012: *Provided*, That funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

#### SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended (42 U.S.C. 12805 note), \$85,000,000, to remain available until September 30, 2012: *Provided*, That of the total amount provided under this heading, \$27,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That \$53,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than \$10,000,000 may be made available for rural capacity building activities: *Provided further*, That \$5,000,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110-246.

#### HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate reha-

bilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, \$1,850,000,000, of which \$1,845,000,000 shall remain available until September 30, 2012, and of which \$5,000,000 shall remain available until expended for rehabilitation projects with 10-year grant terms: *Provided*, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program shall be used for permanent housing for individuals and families: *Provided further*, That all funds awarded for services shall be matched by not less than 25 percent in funding by each grantee: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That up to \$8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2010.

#### HOUSING PROGRAMS

##### PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, \$8,306,328,000, to remain available until expended, shall be available on October 1, 2009, and \$393,672,000, to remain available until expended, shall be available on October 1, 2010: *Provided*, That the amounts made available under this heading are provided as follows:

(1) Up to \$8,474,328,000 shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other ex-

penses associated with project-based activities and assistance funded under this paragraph.

(2) Not less than \$232,000,000 but not to exceed \$258,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: *Provided*, That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z-1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z-1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2)); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667).

(3) Amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund" may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

#### HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701(q)), as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, \$1,000,000,000, to remain available until September 30, 2013, of which up to \$372,000,000 shall be for capital advance and project-based rental assistance awards: *Provided*, That, of the amount provided under this heading, up to \$90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to \$25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: *Provided further*, That of the amount made available under this heading, \$20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further*, That up to \$2,000,000 of the total amount made available under this heading shall be for technical assistance to improve grant applications and to facilitate the development of housing for

the elderly under section 202 of the Housing Act of 1959, and supportive housing for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

#### HOUSING FOR PERSONS WITH DISABILITIES

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, \$350,000,000, of which up to \$214,000,000 shall be for capital advances and project-based rental assistance contracts, to remain available until September 30, 2013: *Provided further*, That, of the amount provided under this heading, \$87,100,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): *Provided further*, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

#### HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701(x)), \$70,000,000, including up to \$2,500,000 for administrative contract services, to remain available until September 30, 2011: *Provided*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training.

#### ENERGY INNOVATION FUND

For an Energy Innovation Fund to enable the Federal Housing Administration and the new Office of Sustainability to catalyze innovations in the residential energy efficiency sector that have promise of replicability and help create a standardized home energy efficient retrofit market, \$50,000,000, to remain available until September 30, 2013: *Provided*, That \$25,000,000 shall be for the Energy Efficient Mortgage Innovation pilot program, directed at the single family housing market: *Provided further*, That \$25,000,000 shall be for the Multi-family Energy Pilot, directed at the multi-family housing market.

#### OTHER ASSISTED HOUSING PROGRAMS

##### RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-1) in State-aided, non-insured rental housing projects, \$40,000,000, to remain available until expended.

##### RENT SUPPLEMENT

###### (RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z-1) \$27,600,000 are rescinded.

##### PAYMENT TO MANUFACTURED HOUSING FEES

###### TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to \$16,000,000, to remain available until expended, of which \$7,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$9,000,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2010 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

#### FEDERAL HOUSING ADMINISTRATION

##### MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

###### (INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2010, commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed a loan principal of \$400,000,000,000: *Provided*, That for new loans guaranteed pursuant to section 255 of the National Housing Act (12 U.S.C. 1715z-20), the Secretary shall adjust the factors used to calculate the principal limit (as such term is defined in HUD Handbook 4235.1) that were assumed in the President's Budget Request for 2010 for such loans, as necessary to ensure that the program operates at a net zero subsidy rate, except that no principal limit factor may be reduced below 60: *Provided further*, That during fiscal year 2010, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$50,000,000: *Provided further*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the

Mutual Mortgage Insurance Fund. For administrative contract expenses of the Federal Housing Administration, \$188,900,000, of which up to \$70,794,000 may be transferred to the Working Capital Fund, and of which up to \$7,500,000 shall be for education and outreach of FHA single family loan products: *Provided further*, That to the extent guaranteed loan commitments exceed \$200,000,000,000 on or before April 1, 2010, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000.

##### GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, \$8,600,000, to remain available until expended: *Provided*, That commitments to guarantee loans shall not exceed \$15,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$20,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

#### GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

##### GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$500,000,000,000, to remain available until September 30, 2011.

#### POLICY DEVELOPMENT AND RESEARCH

##### RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$50,000,000, to remain available until September 30, 2011.

#### FAIR HOUSING AND EQUAL OPPORTUNITY

##### FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$72,000,000, to remain available until September 30, 2011, of which \$42,500,000 shall be to carry out activities pursuant to such section 561: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL AND  
HEALTHY HOMES

## LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$140,000,000, to remain available until September 30, 2011, of which not less than \$20,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

## MANAGEMENT AND ADMINISTRATION

## WORKING CAPITAL FUND

## (INCLUDING TRANSFER OF FUNDS)

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the maintenance of infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, \$200,000,000, to remain available until September 30, 2011: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated: *Provided further*, That up to \$15,000,000 may be transferred to this account from all other accounts in this title (except for the Office of the Inspector General account) that make funds available for salaries and expenses.

## OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$120,000,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

## TRANSFORMATION INITIATIVE

For necessary expenses for combating mortgage fraud, \$20,000,000, to remain available until expended.

In addition, of the amounts made available in this Act under each of the following headings under this title, the Secretary may transfer to, and merge with, this account up to 1 percent from each such account, and such transferred amounts shall be available until September 30, 2012, for (1) research, evaluation, and program metrics; (2) program demonstrations; (3) technical assistance and capacity building; and (4) informa-

tion technology: "Public Housing Capital Fund," "Energy Innovation Fund," "Native American Housing Block Grants," "Native Hawaiian Housing Block Grants," "Revitalization of Severely Distressed Public Housing," "Brownfields Redevelopment," "Section 108 Loan Guarantees," "Housing Opportunities for Persons With AIDS," "Community Development Fund," "HOME Investment Partnerships Program," "Self-Help and Assisted Homeownership Opportunity Program," "Homeless Assistance Grants," "Housing for the Elderly," "Housing for Persons With Disabilities," "Housing Counseling Assistance," "Payment to Manufactured Housing Fees Trust Fund," "Mutual Mortgage Insurance Program Account," "General and Special Risk Program Account," "Research and Technology," "Lead Hazard Reduction," "Rental Housing Assistance," and "Fair Housing Activities": *Provided*, That the Secretary shall fund each of the four general purposes specified above at not less than 10 percent, and not more than 50 percent, of the aggregate transferred amount.

GENERAL PROVISIONS—DEPARTMENT OF  
HOUSING AND URBAN DEVELOPMENT

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2010 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2010 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and  
(2) is not otherwise eligible for an allocation for fiscal year 2010 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2010 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of

such section 854(c)(1)(A) in fiscal year 2010, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3 year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the

limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2010 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless the Secretary of Housing and Urban Development provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2010, the Secretary shall transmit this information to the Committees by November 15, 2009 for 30 days of review.

SEC. 209. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 210. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter "metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c)

of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 211. The President's formal budget request for fiscal year 2010, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 212. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of Public Housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 213. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2008 and 2009, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) The number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) Any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section.

(10) The Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term "multifamily housing project" means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzalez National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term "project-based assistance" means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term "receiving project or projects" means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term "transferring project" means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 214. The funds made available for Native Alaskans under the heading "Native American Housing Block Grants" in title II of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 215. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 216. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 217. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), the Secretary of Housing and Urban Development may, until September 30, 2010, insure and enter into commitments to insure mortgages under section 255 of the National Housing Act (12 U.S.C. 1715z–20).

SEC. 218. Notwithstanding any other provision of law, in fiscal year 2010, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 ("MAHRAA") and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the

exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 219. During fiscal year 2010, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 220. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD's use of all sole source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole source contract.

SEC. 221. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–z) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 222. (a) The amounts provided under the subheading "Program Account" under the heading "Community Development Loan Guarantees" may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: *Provided*, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 223. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking "fiscal year" and all that follows through the period at the end and inserting "fiscal year 2010."; and

(2) in subsection (o), by striking "September" and all that follows through the period at the end and inserting "September 30, 2010.".

SEC. 224. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the op-

erating fund formula shall not be exempt from asset management requirements.

SEC. 225. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, however, that a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 226. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, there is a trained allotment holder for each HUD subaccount under the headings "Executive Direction" and "Administration, Operations, and Management" as well as each account receiving appropriations for "personnel compensation and benefits" within the Department of Housing and Urban Development.

SEC. 227. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 228. The Secretary of the Department of Housing and Urban Development shall for Fiscal Year 2010 and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for Fiscal Year 2010 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.

SEC. 229. Prepayment and Refinancing.

(a) APPROVAL OF PREPAYMENT OF DEBT.— Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), for which the Secretary's consent to prepayment is required, the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any project-based rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other project-based rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the

Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) or any successor project-based rental assistance program, except as provided by subsection (a)(2)(B); and

(2) the prepayment may involve refinancing of the loan if such refinancing results—

(A) in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or

(B) in the case of a project that is assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower, a transaction under which—

(i) the project owner shall address the physical needs of the project;

(ii) the prepayment plan for the transaction, including the refinancing, shall meet a cost benefit analysis, as established by the Secretary, that the benefit of the transaction outweighs the cost of the transaction including any increases in rent charged to unassisted tenants;

(iii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

(I) mark-up-to-market contracts pursuant to section 524(a)(3) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by nonprofit organizations; or

(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k)));

(iv) the project owner may charge tenants rent sufficient to meet debt service payments and operating cost requirements, as approved by the Secretary, if project-based rental assistance is not available or is insufficient for the debt service and operating cost of the project after refinancing. Such approval by the Secretary—

(I) shall be the basis for the owner to agree to terminate the project-based rental assistance contract that is insufficient for the debt service and operating cost of the project after refinancing; and

(II) shall be an eligibility event for the project for purposes of section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t));

(v) units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) shall, upon termination of the occupancy of such tenants, become eligible for project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) without regard to the percentage limitations provided in such section; and

(vi) there shall be a use agreement of 20 years from the date of the maturity date of the original 202 loan for all units, including units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

SEC. 230. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: *Provided*, That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively re-

viewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related issues that demonstrate a commitment to assist the homeless: *Provided further*, That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fundraising ability or commitments for in-kind donations of goods and services: *Provided further*, That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: *Provided further*, That, this section shall apply to properties in fiscal year 2009 and 2010 made available as surplus Federal property for use to assist the homeless.

SEC. 231. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent of funds appropriated for any account under this title under the heading "Personnel Compensation and Benefits" to any other account under this title under the heading "Personnel Compensation and Benefits" only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided*, That, no appropriation for any such account shall be increased or decreased by more than 10 percent by all such transfers.

SEC. 232. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a "program of the Department of Housing and Urban Development" under section 904 of the McKinney Act for the purpose of income verifications and matching.

SEC. 233. FHA Loan Limits for fiscal year 2010. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS- For mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2010, if the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) for any size residence for any area is less than such dollar amount limitation that was in effect for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 620), notwithstanding any other provision of law, the maximum dollar amount limitation on the principal obligation of a mortgage for such size residence for such area for purposes of such section 203(b)(2) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z-20(g))) to be such dollar amount limitation in effect for such size residence for such area for 2008. (b) Discretionary Authority for Sub-Areas- Notwithstanding any other provision of law, if the Secretary of Housing and Urban Development determines, for any geographic area that is smaller than an area for which dollar amount limitations on the principal obligation of a mortgage are determined under section 203(b)(2) of the National Housing Act, that a higher such maximum dollar amount limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Secretary may, for mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2010, increase the

maximum dollar amount limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section), but in no case to an amount that exceeds the amount specified in section 202(a)(2) of the Economic Stimulus Act of 2008.

SEC. 234. GSE Conforming Loan Limits for fiscal year 2010. (a) Loan Limit Floor Based on 2008 Levels- For mortgages originated during fiscal year 2010, if the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1754(a)(2)), respectively, for any size residence for any area is less than such maximum original principal obligation limitation that was in effect for such size residence for such area for 2008 pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 619), notwithstanding any other provision of law, the limitation on the maximum original principal obligation of a mortgage for such Association and Corporation for such size residence for such area shall be such maximum limitation in effect for such size residence for such area for 2008. (b) Discretionary Authority for Sub-Areas- Notwithstanding any other provision of law, if the Director of the Federal Housing Finance Agency determines, for any geographic area that is smaller than an area for which limitations on the maximum original principal obligation of a mortgage are determined for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, that a higher such maximum original principal obligation limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Director may, for mortgages originated during fiscal year 2010, increase the maximum original principal obligation limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section) for such Association and Corporation, but in no case to an amount that exceeds the amount specified in the matter following the comma in section 201(a)(1)(B) of the Economic Stimulus Act of 2008.

SEC. 235. FHA Reverse Mortgage Loan Limits for fiscal year 2010. For mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2010, the second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) shall be considered to require that in no case may the benefits of insurance under such section 255 exceed 150 percent of the maximum dollar amount in effect under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2010".

### TITLE III

#### RELATED AGENCIES

##### ARCHITECTURAL AND TRANSPORTATION

##### BARRIERS COMPLIANCE BOARD

##### SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$7,200,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, \$23,712,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

NATIONAL TRANSPORTATION SAFETY BOARD  
SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) \$99,200,000, of which not to exceed \$2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease. Of the funds provided, up to \$100,000 shall be provided through reimbursement to the Department of Transportation's Office of Inspector General to audit the National Transportation Safety Board's financial statements.

NEIGHBORHOOD REINVESTMENT CORPORATION  
PAYMENT TO THE NEIGHBORHOOD  
REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), \$133,000,000: *Provided*, That Section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104(a)) is amended by adding at the end of the first sentence, prior to the period, “, except that the board-appointed officers may be paid salary at a rate not to exceed level II of the Executive Schedule”: *Provided further*, That in addition, \$63,800,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation (“NRC”), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures primarily in the subprime housing market to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of subprime mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as deter-

mined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to \$3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default. Such reports shall identify successful strategies and methods for preserving homeownership and the long-term affordability of at-risk mortgages and shall include recommended efforts that will or likely can assist in the success of this program

as well as an analysis of any policy and procedures that failed to result in successful mortgage foreclosure mitigation. The report shall include an analysis of the details and use of any post mitigation counseling of assisted borrowers designed to ensure the continued long-term affordability of the mortgages which were the subject of the mortgage foreclosure mitigation assistance.

UNITED STATES INTERAGENCY COUNCIL ON  
HOMELESSNESS  
OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$2,400,000.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2010 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this

Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations made available for salaries and expenses for fiscal year 2010 in this Act, shall remain available through September 30, 2011, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 31, 2010. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated

for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfield as defined in the Small Business Liability Relief and Brownfield Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

The CHAIR. No amendment shall be in order except the amendments printed in part A of House Report 111-219, not to exceed seven of the amendments printed in part B of the report if offered by the gentleman from Arizona (Mr. FLAKE) or his designee; not to exceed two of the amendments printed in part C of the report if offered by the gentleman from Texas (Mr. HENSARLING) or his designee. Each amendment may be offered only in the order printed in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question.

The proponent of any such amendment may modify its amendatory instructions before the question is put thereon.

After disposition of the amendments specified in the first section of House Resolution 669, the Chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

PART A AMENDMENT NO. 1 OFFERED BY MR. OLVER

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 111-219.

Mr. OLVER. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Mr. OLVER:

Page 2, line 13, after the first dollar amount, insert "(reduced by \$250,000)".

Page 4, line 6, after the dollar amount, insert "(reduced by \$3,000,000)".

Page 8, line 9, after the dollar amount, insert "(increased by \$1,000,000)".

Page 8, line 16, after the dollar amount, insert "(reduced by \$1,000,000)".

Page 38, line 7, after the first dollar amount, insert "(increased by \$250,000)".

Page 43, line 3, after the dollar amount, insert "(increased by \$3,000,000)".

Page 92, line 5, strike "\$4,600,607,000" and insert "\$4,598,607,000".

Page 93, line 12, strike "\$18,000,000" and insert "\$16,000,000".

Page 93, line 22, before the period insert the following: "Provided further, That none of the funds made available under this heading may be used for the construction and facility buildout of a multi-purpose complex at Indiana University of Pennsylvania".

Page 109, lines 3 and 4, strike "except that no principal limit factor may be reduced below 60".

At the end of the bill (before the short title), insert the following:

SEC. 414. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301-10.122 and 301-10.123 of title 41, Code of Federal Regulations.

SEC. 415. None of the funds made available in this Act may be used to purchase a light bulb for an office building unless the light bulb has, to the extent practicable, an Energy Star or Federal Energy Management Program designation.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Massachusetts (Mr. OLVER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, this is a good amendment that makes a handful of modest changes to the bill. It adds \$250,000 for the National Highway Traffic Safety Administration to develop safety standards for the incorporation of alternative fuel technologies in vehicles.

It increases the Federal Rail Administration's Railroad Research and Development account by \$3 million, which will allow the FRA to perform multiple studies that were authorized in last year's rail safety bill. It provides \$1 million for the Federal Aviation Administration to support commercial space activities.

This amendment includes two provisions championed by Representative CUELLAR from Texas and included in previous appropriations bills, one that requires the use of energy-efficient bulbs in Federal buildings; and the second, which precludes Federal employees from flying first class.

Last, we have included a technical change to a provision that my ranking member, Mr. LATHAM, has championed in order to ensure that the Home Equity Conversion Mortgage program can be implemented without Federal subsidy.

I reserve the balance of my time.

Mr. LATHAM. Mr. Chairman, I would ask for the time in opposition, although I will not oppose his amendment.

The CHAIR. Without objection, the gentleman from Iowa is recognized for 5 minutes.

There was no objection.

Mr. LATHAM. Let me just express my frustration in this amendment, and they're all good projects. There are five amendments, all Democrat amendments, all of substance, that we could have agreed on. But also, looking through the list here: We have another four or five amendments that we could have agreed on, of substance, and we will agree on.

Again, I go back to the fact that the Rules Committee, the process is just totally out of whack, and the fact that while I don't oppose these—actually, one of the projects that Mr. BRALEY referred to is something that I started several years ago and has been very, very successful as far as using soybean grease as far as lubricants on railroads. It's been in practice now for several years.

It's the frustration I have that we couldn't have substantive amendments made in order. We have five Democratic amendments put in here, of substance, while we were denied that option. I think it is extremely unfair and really brings shame upon this body and the process that should be in place for all of our constituents to have their Representatives here to decide and vote on amendments which would be of importance to their districts and to the Members' constituents.

I just, again, express my total frustration with the Rules Committee. I don't blame the chairman at all, but it's just the process has totally fallen apart.

With that, I yield 2 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding. Mr. Chairman, I come before you today to protest this restrictive process.

Mr. Chairman, I have submitted a handful of very simple, straightforward, and commonsense amendments to this body. This arbitrary process of choosing which amendments are allowed to be considered on the floor is unworthy of this institution and has damaged the democratic process.

Is the majority leadership so afraid of making their Members vote against such commonsense measures as cutting this bill by half a percent that they wouldn't even allow debate?

I also submitted an amendment that would have prohibited any money in this bill to be spent on bike paths. Mr. Chairman, maintaining bike paths is clearly not a function of the Federal Government, and especially in these tough economic times and an era of large deficits.

This is not an appropriate use of Federal funds and taxpayers' dollars. At a

time when our Federal Government is hemorrhaging money and selling bonds to foreign countries like China just to be able to keep the lights on, building bike paths is certainly a frivolous expense that should be cut out of this bill. Unfortunately, this amendment was not allowed to be debated.

The distinguished chairman of the Appropriations Committee has made it known that he is conducting the appropriations process in this restrictive manner in the interest of time. But, Mr. Chairman, that argument does not make any sense.

The Constitution has mandated this body with a finite number of basic responsibilities. Chief among those is allocating Federal dollars. If we cannot spend more than 1 hour debating appropriation bills that allocate hundreds of billions of dollars, then I would suggest that our priorities, the ones that deserve time on this very floor, are misplaced.

I urge my colleagues to vote "no" on this legislation and for the majority party to turn the legislative process back to regular order.

Mr. OLVER. Could I inquire how much time there is remaining.

The CHAIR. The gentleman from Massachusetts has 3½ minutes. The gentleman from Iowa has 2 minutes.

Mr. OLVER. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I speak in favor of the manager's amendment. This is a very important bill putting America back to work and working on infrastructure and transportation systems that are so important to America's economic vitality and growth. But also, rail transportation is important. Rail is important in many ways, both in a commercial way and in a passenger way.

This particular manager's amendment puts an additional \$3 million into the Federal Railroad Administration's Research and Development account. It's certainly the hope of many Members that this will allow for studies of high-speed rail, one of which will go from Little Rock to Memphis, and other studies, so that we can have more high-speed rail and less use of automobiles safe with the environment, and make passenger traffic more available to more people at a more reasonable cost.

Mr. LATHAM. Again, I just want to reiterate, these are good, substantive amendments. All have merit. The frustration I have is that all five are Democrat amendments, never even an opportunity. And there will be several more Republican amendments here that we'll probably agree on. I don't know why we couldn't do this. But it's frustration I have with the process, and it's very concerning to me.

Mr. BRALEY of Iowa. Mr. Chair, I rise today in strong support of the Manager's Amendment to the Transportation HUD Appropriations Act. I'm pleased to have secured an increase of \$3 million in this amendment for the Federal Railroad Administration's (FRA's) Rail-

road Research and Development Account. This additional money for FRA's Railroad Research and Development Account could fund the Biodegradable Lubricants study authorized in Division B: Section 405 of the Railroad Safety Enhancement Act of 2008 as well as other feasibility studies authorized in that bill, and I believe that a portion of this funding should go towards the Biodegradable Lubricants study. This study will help reduce our dependence on foreign oil and reduce our national addiction to petroleum imports. If all industrial lubricants used annually in the U.S. could be replaced with biobased versions, over 2 billion gallons of petroleum per year would be replaced.

In performing this study, the National Ag-Based Lubricants Center (NABL) at the University of Northern Iowa would be a perfect partner for the Federal Railroad Administration. NABL's expertise and resources in biobased lubricants is unmatched, and it is the only entity whose primary mission is the research and testing of agricultural-based lubricants. I thank the Chairman for including \$3 million in additional funding for the FRA's Railroad Research and Development account and I look forward to seeing the Transportation HUD Appropriations Act signed into law.

Mr. LATHAM. I will support the gentleman's amendment, and I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I believe this is a good amendment, and I would ask for its passage, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. OLVER).

The amendment was agreed to.

PART A AMENDMENT NO. 2 OFFERED BY MR. HENSARLING

The CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 111-219.

Mr. HENSARLING. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 2 offered by Mr. HENSARLING:

Strike line 20 on page 87 and all that follows through page 88, line 12.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. By any possible measurement whatsoever, spending is out of control in the Nation's Capital. Already, this Democratic-controlled Congress has spent \$1.1 trillion on a government stimulus plan costing every American household \$9,810. That included \$100 million for an after-school snack program, \$10 million for urban canals. The list goes on.

This Democratic majority in Congress has also passed an omnibus bill costing \$410 billion, weighing in at roughly \$3,500 per American household. That one included \$150,000 for lobster research in Maine and \$143,000 to develop and expand a comprehensive online encyclopedia.

Now we know, once again, after the President's press conference last evening, he and the Democrats in Congress will go forward on a government-controlled health care plan that even the Congressional Budget Office, appointed by Democrats, says will cost a minimum of a trillion dollars. Again, costing every American household roughly \$9,000.

And what do we have for all this, Mr. Chairman? What do we have?

We now have the single largest Federal deficit that we have ever had in our Nation's history. It crossed the trillion-dollar mark. There was a time not too long ago we always talked in terms of billions; and now it's trillions are rolling off the tips of our tongues.

The Federal debt, the Federal debt under this spending program will triple, triple in the next 10 years. This Congress is on a trajectory to create more debt in the next 10 years than in the previous 220. We're borrowing forty-six cents on the dollar, mainly from the Chinese, and sending the bill to our children and grandchildren.

Mr. Chairman, it is crushing not only to the next generation; it's crushing job growth. Since the President has come into office, an additional 2.6 million Americans have lost their jobs. At 9.5 percent, we're looking at the largest unemployment that we've seen in a quarter of a century. Enough is enough.

And so I want to take the President up on a challenge that he issued to Congress just a couple of months ago. He said, "If we're going to rebuild our economy on a solid foundation, we need to change the way we do business in Washington. We need to spend money wisely."

The President went on to say, "That starts with the painstaking work of examining every program, every entitlement, every dollar of government spending and asking ourselves: Is this program really essential? Are the taxpayers getting their money's worth?" Those are the words of our President, Mr. Chairman.

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Mr. Chairman, today I just want to focus on one program, one program out of an estimated 10,000 programs. It's called HOPE VI. Well, according to OMB—and you can look at their Web site—this is the program that has already accomplished its original objective. According to OMB, HOPE VI "has completed its goal of contributing to the demolition of 100,000 severely distressed public housing units."

Now, since achieving its original objective, OMB goes on to further say, The program is more costly than other programs that serve the same population. The program has accomplished its stated mission. And furthermore, I am told—and I hope that the distinguished chairman can shed some light on this. I'm told the program is sitting on almost \$1 billion of unexpended balances.

I mean, we're shoving more money their way, Mr. Chairman, and they can't even spend the money that they already have. It's time for us to lead by example, terminate one program, and quit borrowing the money from the Chinese and sending the bill to our children and grandchildren.

I reserve the balance of my time.

Mr. OLVER. I rise to claim the time in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I rise in opposition to the amendment. The HOPE VI program was launched in 1992 to allow the replacement of affordable housing that had deteriorated and was determined to be uninhabitable. The annual appropriations for about 10 years after that point were \$500 million per year or thereabouts.

During that time, 25 to 30 applications were awarded each year, and some of those programs went forward very expeditiously and some of them did not move forward as expeditiously. But in at least the last 5 years, under the previous administration, each year the administration attempted to rescind the appropriation that had been made the previous year and then zero out the program for the year that we were appropriating for, attempting not just to cripple but to terminate the program.

Congress refused, because many communities still had projects for the program, so we still had five or six projects per year, because the appropriation was for several years, at least 5 years, was frozen around \$100 million or thereabouts per year. Now, it is my understanding, at least, that what are—typically programs and projects that had been afforded money under the program of HOPE VI took from 3 to 7 years and that would be used to complete. Some took longer.

During the past year, we have been able to get the Department of Housing and Urban Development to spend special time, special effort, through technical assistance and working with the organizations that had the applications in, to go back and make certain that those that had been awarded in 2002 and 2003 were moving forward. They made some serious progress on that, but there is still need for this program.

At this point I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK), who is the chairman of the Authorizing Committee, because so great is the need that the Authorizing Committee has been working on that.

Mr. FRANK of Massachusetts. I thank my colleague who does an excellent job in chairing the subcommittee.

While the author of this amendment and myself both serve on the Financial Services Committee, I think I can say that on a bipartisan basis over the years, the Financial Services Committee has shown a lot of support for this program and for improving it.

The gentleman cites some unexpended balances, but here's the prob-

lem. There's kind of a catch-22 here. If program money is spent too rapidly and it is then spent inefficiently, there is criticism. What has happened with HOPE VI is that in response to some legitimate criticism, some controls were proposed to slow things down. This money ultimately gets spent, but it gets spent in a way that is less likely to be abused.

It is also the case that there is a kind of "you lose either way" argument made against public housing. Often the criticism is in that public housing warehouses people in large projects that do not have the capacity to provide a decent living environment. HOPE VI is an effort to preserve the units, because we do have a shortfall for family public housing in many parts in the country, not in all, but by redoing the projects to remove the stigma that has attached. And if you get rid of the HOPE VI program, you then abandon the notion that you are going to go to existing public housing to try to make it more livable and less concentrated.

Now, that's not an easy thing to do. We've been working, again, in a bipartisan way on ways to improve that, to bring in other services, to coordinate how you do it. But to simply shut the program off is, I think, to say to the people who live in the public housing that was built inappropriately—the residents didn't build it, society built it and put them there.

It would say, We are abandoning any effort to improve the liveability of where you are, and also then make them more vulnerable to criticism and build opposition to the whole notion, when the alternative is to make the living conditions better for the people in the surrounding communities.

Mr. OLVER. I reserve the balance of my time.

The CHAIR. The gentleman from Texas has 1 minute remaining, and the gentleman from Massachusetts has the option of closing.

Mr. HENSARLING. Thank you, Mr. Chairman.

Again, the President of the United States says, Start the painstaking work of examining every program. Mr. Chairman, we have a program that, number one, has achieved its mission; number two, it is now effective; number three, it is duplicative of another program; number four, it has at least 5 years of appropriations in the pipeline; number five, we are looking at the single-largest deficit in the entire history of the United States of America. We have the largest unemployment rate in 25 years.

Mr. Chairman, out of 10,000 Federal programs, if you won't terminate one to quit borrowing money from the Chinese and sending the bill to our children and grandchildren, if you won't terminate this program, I mean, please, which one will you? Is there ever a point where you say, Enough debt is enough? Is there ever a point where you finally conclude that the

best housing program in America is a job? Let's create the jobs. Let's not destroy the jobs. I urge adoption of the amendment.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, just last fall this House passed reauthorization legislation for HOPE VI and authorized for the first year of that \$750 million. The work of HOPE VI simply is not done. That represents how much the demand is on the part of the membership of the House.

Basically, what I would say here is that this work needs to continue. There is much need for affordable housing in this country. The HOPE VI program is not duplicated by anything else that I know of, and I would urge that the amendment be defeated.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

PART A AMENDMENT NO. 3 OFFERED BY MR. LATHAM

The CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 111-219.

Mr. LATHAM. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 3 offered by Mr. LATHAM:

Page 44, line 8, after the dollar amount, insert "(reduced by \$3,000,000,000)".

Page 45, line 21, strike "Provided further," and all that follows through the semicolon on page 46, line 8.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Iowa (Mr. LATHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LATHAM. I thank the chairman very much. This really is a very simple amendment. I seek to bring the funding level for high-speed rail back down to the President's request of \$1 billion and strike the transfer authority for the National Infrastructure Bank.

When the stimulus deal was announced by the President and the Democrat leadership, we were told that the plan was to provide \$8 billion for high-speed rail in the stimulus and another \$1 billion a year for the next 5 years. My amendment meets the President's goals and his plans. We are just now embarking on this high-speed rail initiative. The stimulus funds are still in the Treasury. They haven't been spent, and there is little reason to dump another \$3 billion on top of an unspent \$8 billion since the committee hasn't even had the time to do any oversight at all in this area.

I know the chairman is going to reference that there is pent-up demand for high-speed rail, and he is going to mention \$100 billion in grant applications. Are we really ready to embark on a \$100 billion endeavor on top of the million-, billion- and trillion-dollar endeavors already under consideration? We don't even know if those grant applications have any feasibility at all.

Second, this amendment would strike the transfer to the National Infrastructure Bank. The administration requested \$5 billion for a bank in their budget requests, but it didn't include any authorizing language at all. I know there are a few bills out there that would authorize this, and those proposals should be considered in the regular authorizing process. However, there is no bank today. There is no authorized bank in which to put this money. I'm not opposed to the bank idea, but I believe we should know what the activities and programs are that we are paying for up front.

The bill before us gives authority to transfer \$2 billion to the bank on October 1, 2010, should the bank ever be authorized by that date. Now, October 1, 2010, is actually in the 2011 fiscal year, and this committee will have the opportunity to consider funding that bank within the budget priorities for fiscal year 2011 under that 2011 allocation. There is absolutely no reason to do that now.

I did have an amendment to transfer the \$3 billion to the highway trust fund, but the Rules Committee was probably too worried that the amendment may pass. However, without the transfer, this is still a good amendment. Cutting an extra unrequested \$3 billion from this account still meets the President's request, his commitment, and would give me good reason to support this otherwise pretty good bill.

I urge the adoption of my amendment. Again, I just want to make sure people know that this is \$3 billion on top of the \$1 billion the President requested, \$2 billion of which is set aside—people talk about this money going to high-speed rail. It's not going to go there. This is set aside in a fund basically to be held so that just in case this infrastructure bank is authorized, the money will go there. This has nothing to do with high-speed rail. It has everything to do with making this a bill that people can support.

I reserve the balance of my time.

Mr. OLVER. I rise to claim the time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. First of all, I want to say that this high-speed rail, the program for combined high-speed and intercity passenger rail, that is the most important transportation initiative since the Eisenhower Interstate Highway System, the National Defense Highway System of 50 years ago, which took a generation, basically, to build.

It's not going to happen quickly. It's going to take a period of time, there is no question, but it is the most important initiative. There is pent-up demand. There is a huge demand.

The first preapplication period for this bill brought in \$100 billion of applications for \$8 billion that was in place there. If we do not add significantly to that, as this bill does do, by adding \$4 billion to the \$8 billion that is already there, then people will lose faith or wonder, Are we in this seriously? Are we going to do high-speed and intercity passenger rail, as had been proposed and put forward in the recovery bill earlier or aren't we intending to do that?

□ 1415

I think we must keep this momentum going, for if we lose it, then that would be a very bad thing to have happen. There are applications for more than 40 States in the union totaling a hundred billion dollars. Some of those are going to be in construction later this year or early next year. The actual final applications are due for the smaller projects within a month. And within 2 months after that, they are supposed to be in awards. So they are expected to be providing jobs next year.

So I think that that is a very appropriate way to keep our public momentum going toward passenger and intercity rail, high speed and intercity passenger rail.

I reserve the balance of my time.

Mr. LATHAM. I will reserve at this time.

Mr. OLVER. How much time is left now?

The CHAIR. The gentleman from Massachusetts has 3 minutes. The gentleman from Iowa has 1 minute. The gentleman from Massachusetts has the right to close.

Mr. OLVER. I yield 1½ minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Today I rise to encourage my colleagues to vote "no" on this amendment that would cut funds for high-speed and passenger rail funding. Just 1 week ago, the Department of Transportation announced that it received 278 preapplications for high-speed and intercity passenger rail funds totaling \$102 billion. Northeastern States submitted 79 applications totaling \$35 billion; the South and Southeastern States 44 applications totaling \$66 billion; Northwestern States submitted 47 applications totaling \$13 billion; and the Western States submitted 108 preapplications totaling \$38 billion.

Clearly, there is an increased demand for high-speed rail for the future and transportation of America. It will provide more efficient travel, increase U.S. jobs, reduce hydrostatic carbon emissions from all transportation sources, increase economic competitiveness, and reduce the dependence on foreign oil. And prove that freight lines

will also offer more effective freight service. But the \$8 billion provided in the American Recovery Act is just the beginning.

I urge my colleagues to vote “no” on this amendment.

Mr. LATHAM. I will reserve at this time.

Mr. OLVER. I yield 1¼ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I rise in strong opposition to this amendment. It eliminates \$3 billion in high-speed rail funding for 2010, including the \$2 billion that could go to capitalize a much-needed infrastructure bank if authorized. We need to look to improve our way of life, create jobs, foster long-term economic growth, which we can do through an infrastructure bank which is an independent entity, would consider a broad range of infrastructure projects objectively, leverage hundreds of billions of dollars in private capital to put toward rebuilding America.

This is not a partisan issue. This past week the bipartisan National Governors Association endorsed the concept of an infrastructure bank by resolution. The U.S. Chamber of Commerce, labor groups strongly support this effort. President Bush’s transportation secretary, Mary Peters, said there are upwards of \$400 billion in private capital available through pension funds, sovereign wealth funds.

To invest in our Nation’s infrastructure, we need to harvest the power of that private capital and in a smart way and in an effective way in order for us to remain competitive in the 21st century.

I urge my colleagues to reject this amendment.

Mr. LATHAM. I yield myself the remainder of the time.

I will have to say I’m a little bit confused. First they’re saying that this is a cut to high-speed rail, and then the last speaker got up here and said, Well, no, that money is not for high-speed rail, it’s for some program that hasn’t even been authorized yet. I’m not quite sure where we are here, because we’re talking about spending the same money two or three times. I would suggest to the gentlewoman from Connecticut that there is no authorized bank. And by the language in this bill, those dollars could not be transferred until the next fiscal year, which means that the whole next year’s cycle, if this bank is authorized, if that money is needed, we can do that next year.

But to have this money sit in a slush fund basically and do nothing—and everyone knows it’s not going to go out the door, and the gentleman from Massachusetts knows—my chairman, who I love dearly—but he knows that I made this statement in committee. I’m not against high-speed rail. As a matter of fact, I made the statement on two different occasions that I think the \$787 billion of stimulus money could have had actually been well spent and we could have a national high-speed rail

system and actually accomplish something if we would have spent all of that money in the stimulus just on high-speed rail. We would have the Eisenhower Interstate Project. I’m not against it, but I’m just saying to have this money sit here and do nothing when we’ve got a critical issue, as far as the highway trust fund that needs funding immediately, is simply wrong.

Let’s save the money, let’s make the bill acceptable to a lot more people who can support it on a bipartisan basis.

I yield back the balance of my time.

Mr. OLVER. As the gentleman understands, the \$4 billion is available in this fiscal year for which we’re appropriating only for high-speed rail. And I hope that it will remain there.

I urge the defeat of the amendment so that we will keep the momentum up and keep the building, the development of high-speed rail moving forward as fast as possible.

Mr. HARE. Mr. Chair, I rise in strong opposition to this amendment.

I thank Chairman OBEY and OLVER for including \$4 billion in this bill to create a 21st Century passenger rail system that will strengthen the economy by creating jobs, reducing congestion and improving mobility on our nation’s highways.

For every \$1 billion invested in transportation, 35,000 jobs are created. With our economy suffering from one of the worst recessions in memory, this is the type of growth we should be promoting.

This money will help fund projects like the Chicago-Quad Cities-Iowa City passenger rail line near my home town. This plan will benefit businesses, leisure, and commuter travel, as well as positively impact regional commerce. In the Quad Cities alone, this project is estimated to create nearly 825 jobs and increase household income by almost \$16 million.

The amendment before us slashes funding for high-speed and intercity passenger rail and prohibits the transfer of monies to a National Infrastructure Bank to fund the future modernization of our nation’s road and rail systems. This will thwart economic growth by killing future jobs.

I strongly urge my colleagues to reject this amendment, and instead, support growing our economy, improving mobility, and protecting the environment.

Mr. BRALEY of Iowa. Mr. Chair, I rise today in opposition to the Latham amendment, which could seriously jeopardize Iowa’s effort to bring passenger rail to the State. For the last two and a half years, I’ve been a strong advocate for bringing rail service from Chicago to Iowa, and this amendment cuts the very funds that will help make this rail service a reality. This amendment could lead to a loss of Iowa jobs, as well as reduced economic development opportunities throughout the state.

Two new passenger rail routes that will provide significant public and economic benefit are the lines from Chicago to the Quad Cities and Chicago to Dubuque, Iowa. Both routes would open up large parts of rural Illinois and eastern Iowa to huge economic growth and prosperity. These routes would also provide vacation spots for residents of Chicago in scenic Dubuque and Davenport, Iowa. The availability of passenger rail heading west from

Chicago could also help eliminate congestion at O’Hare airport as many airline passengers fly regionally to the Quad Cities, Dubuque and Des Moines. Bringing rail service to Iowa would bring the opportunity to extend these Amtrak routes to Iowa City, Des Moines, Waterloo, and other cities. Many travelers would then be able to choose a train ride over the stress of the airport. Expanded passenger rail service would help reduce our dependence on foreign oil by encouraging the use of rail for travelers and decreasing the use of gasoline. Both of these routes would provide new passenger transportation through the heart of the country, bringing new opportunities to many Midwestern cities, creating jobs, and providing new transportation options for families and businesses. I can’t support a proposal that could put the future of these projects in doubt.

The CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. LATHAM).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. LATHAM. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

PART A AMENDMENT NO. 4 OFFERED BY MR. MCHENRY

The CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 111-219.

Mr. MCHENRY. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 4 offered by Mr. MCHENRY:

Page 46, line 21, after the dollar amount insert “(reduced by \$1,000,000)”.

Page 50, line 15, after the dollar amount insert “(increased by \$1,000,000)”.

The CHAIR. Pursuant to House Resolution 669, the gentleman from North Carolina (Mr. MCHENRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MCHENRY. Mr. Chairman, the Office of Inspectors General throughout our government do a yeoman’s task at providing oversight of Federal spending, and I think it’s important that these matters be brought before the House.

Mr. Chairman, at a time when Congress is burning through unprecedented amounts of taxpayer dollars, oversight and accountability are of greatest importance. We need to know who’s getting the money and what it’s being used for. As of the end of June, this Congress has already spent \$2.6 trillion, and we’re on pace to have a \$1.8 trillion deficit this year—the largest in our Nation’s history. The American people know we’re spending a lot of money in Washington. Whether they like it or not is another question. But we need to make sure that we’re getting value for our dollar. Amtrak has recently benefited from this unprecedented funding

by taking in \$1.3 billion from the so-called stimulus bill in addition to their annual appropriations of \$1.4 billion.

This makes it all the more troubling to find out that in the course of conducting his oversight activities, Amtrak's former inspector general, Fred Weiderhold, was being misinformed, deceived, and circumnavigated by lawyers and bureaucrats within his agency in his effort to track down stimulus money. And the same day that a report came out highlighting the ways in which Amtrak officials were interfering with his job, Mr. Chairman, Inspector General Weiderhold unexpectedly resigned. This raises many questions about the sudden departure of a career official, particularly where there is political pressure from the current administration for him to step down.

The Oversight and Government Reform Committee—of which I am a member—is launching currently an investigation into this matter, which occurred last month, and I look forward to seeing what comes out of this investigation. The reason why I bring it before the House is so that Members know what's happening with inspectors general across the government.

However, it doesn't just stop with the Amtrak inspector general. His resignation is only one of what seems to be a larger pattern of inspector general purges throughout the Obama administration. Gerald Walpin, the long-time inspector general for the Corporation of National and Community Service, which oversees AmeriCorps, was fired in June after his investigation into the use of grant funds for political purposes turned up some disturbing information.

Judith Gwynne, the acting inspector general for the International Trade Commission, was also fired last month, coincidentally right after Senator GRASSLEY of Iowa expressed concerns in a letter to the International Trade Commission chairwoman about the potential agency obstruction of Ms. Gwynne's investigations of contractors' activities.

Even Neil Barofsky, who is a special inspector general for the TARP—or the bailouts—has expressed worry after Treasury Department officials informed him that the Department had legal authority over his office.

We need to make sure that we have proper oversight and accountability of the funds that we're spending in this government. The American people deserve comprehensive, around-the-clock oversight of spending. That's why we have inspectors general. The administration's pattern of undermining and removing oversight when it becomes politically inconvenient makes this all more important to be brought to the attention of the House.

And the reason why I rise today is under these limited rules that we have on appropriations bills, it's very difficult to bring issues before the whole House. And so that's why I speak today

to make sure that we have inspectors general throughout the government, not just in Amtrak, that are able to do their job without political interference from any administration or any outside forces.

So that's why I rise today, to make sure that I have this opportunity to bring it before the House of Representatives and its Members.

I ask unanimous consent to withdraw my amendment.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

PART A AMENDMENT NO. 5 OFFERED BY MR. SCHOCK

The CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 111-219.

Mr. SCHOCK. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 5 offered by Mr. SCHOCK:

Page 96, line 19, after the dollar amount, insert "(reduced by \$5,000,000)".

Page 105, line 19, after the first dollar amount, insert "(increased by \$5,000,000)".

The CHAIR. Pursuant to House Resolution 669, the gentleman from Illinois (Mr. SCHOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SCHOCK. Mr. Chairman, I yield myself as much time as I may consume.

Our country continues to see a significant increase in foreclosures, which are up 18 percent this January over last. Those figures continued to rise the first quarter of 2009, with an additional 616,000 homeowners filing foreclosures. Over 25,000 of those foreclosures were in my home State of Illinois alone. And now the percentage of subprime loans in foreclosure has, for the first time ever, eclipsed 14 percent.

We have all heard about these ridiculous loans: ballooning adjustable rates, reverse amortization, and interest-only mortgages which never actually provide home ownership. These vehicles of financial ruin usually have only one possible result for the homeowner: foreclosure.

And while it would be much too simplistic to place the blame for the housing crisis at the feet of these irresponsible loans, they are certainly the chief culprits. And while many programs have been enacted to help victims who have fallen victim to these deceptive practices, little has been done to ensure that this crisis does not happen again, that future homeowners are not lured by irresponsible mortgages. It is time we take some preventative action to make certain homeowners have access to professionals which will assist them in understanding what they are getting into, and hopefully not only delinquency but ultimately foreclosure.

The amendment I am offering today is a simple transfer of funds, yet will

go great lengths to ensure that the American people have access to additional necessary resources before purchasing a home.

Mr. OLVER. Will the gentleman yield?

Mr. SCHOCK. I will.

Mr. OLVER. I thank the gentleman for yielding.

I think the gentleman has found a very appropriate amendment. It takes a small amount of money from a very large program to put into a program that we have supported and I have supported strongly. I am perfectly willing to accept the gentleman's amendment.

□ 1430

Mr. LATHAM. I will join the chairman, and we will certainly be glad to accept the amendment.

Mr. SCHOCK. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SCHOCK).

The amendment was agreed to.

PART A AMENDMENT NO. 6 OFFERED BY MR. CAO

The CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 111-219.

Mr. CAO. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 6 offered by Mr. CAO:

Page 152, line 17, strike "bi-annually" and insert "quarterly".

The CHAIR. Pursuant to House Resolution 669, the gentleman from Louisiana (Mr. CAO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. CAO. Mr. Chairman, I rise today in support of amendment No. 6 to the appropriations bill. I thank Chairman OLVER and Ranking Member LATHAM for their support and assistance.

Mr. Chairman, this amendment will require the Neighborhood Reinvestment Corporation, also known as Neighborworks, to report to Congress on a quarterly rather than biannual basis on their efforts to mitigate mortgage defaults. Given the current concerns over the state of the housing and financial markets and the outlay of taxpayer dollars, it is imperative that we pass this amendment to strengthen congressional oversight of this agency.

I'm not criticizing the good work that Neighborworks has done. In fact, I appreciate their service to several projects in my district, including a soft-second mortgage program and the Hoops for Homes partnership with the New Orleans Hornets. However, given the size of the corporation and the scope of its financial work, Neighborworks should report to Congress more frequently to help us understand and facilitate its efforts. The Constitution allows Congress to delegate its "power of the purse" as it

pleases. However, we must do so with care and deliberation, no matter how well-meaning the project. Congress needs to be balanced in its commitment to repairing the housing market. Just as we are keeping close watch over the expenditure of taxpayer funds in bailout money, we need to keep the same watch over other Federal programs.

I encourage a "yes" vote on this amendment.

I reserve my time.

Mr. OLVER. Mr. Chairman, I claim the time in opposition, but I am not opposed.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. OLVER. In fact, I am willing to accept the gentleman's amendment.

Mr. LATOURETTE. Will the chairman yield?

Mr. OLVER. I'm happy to yield.

Mr. LATOURETTE. I thank the distinguished chairman. We are also pleased with the gentleman's amendment and are willing to accept it.

Mr. CAO. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. CAO).

The amendment was agreed to.

PART A AMENDMENT NO. 7 OFFERED BY MR. FRELINGHUYSEN

The CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 111-219.

Mr. FRELINGHUYSEN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 7 offered by Mr. FRELINGHUYSEN:

At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_ None of the funds made available under this Act may be used by the Federal Aviation Administration to implement the New York/New Jersey/Philadelphia Airspace Redesign project.

The CHAIR. Pursuant to House Resolution 669, the gentleman from New Jersey (Mr. FRELINGHUYSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield myself 1 minute.

I rise today to offer an amendment, along with my colleagues LEONARD LANCE and RUSH HOLT of New Jersey and ELIOT ENGEL of New York, that would force the FAA to halt the implementation of its redesign of the New York/New Jersey/Philadelphia airspace unless they immediately address the issue of aircraft noise over our area. While the safety of passengers, their travel time, and the needs of the airline industry's survival is paramount, so is the right of the people on the ground, not all of whom are air trav-

elers themselves, who have a right to a quality of life with a minimum exposure to aircraft noise overhead.

The FAA has never adequately addressed the issue of aircraft noise, despite repeated congressional requests and statutory requirements to do so, not only for our part of the country, but across the Nation, as we have heard from various colloquies today. There were 13 lawsuits seeking to block this redesign because of noise and other environmental concerns. Members of Congress have proposed several studies that have sought to find other solutions to improve the airspace. So, clearly, there is support for putting this redesign on hold.

The CHAIR. The time of the gentleman has expired.

Mr. FRELINGHUYSEN. I yield myself another 30 seconds, Mr. Chairman.

Members of Congress have proposed several studies that have sought to find other solutions to improve the airspace, so it is clear their support for putting this redesign on hold. Mr. Chairman, despite the fact that appropriations bills over many years that fund the FAA have directed the FAA to address the issue of aircraft noise, the FAA has turned a deaf ear to this issue. Maybe they will hear us this time.

And I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, the amendment that has been offered prohibits the implementation of the New York airspace design which FAA has worked on now for about 10 years, and it would appear from the gentleman's language that it is on the basis of airport noise, not the overhead noise, but rather the ground noise. Well, with airplanes nowadays, each new sequence of airplanes is quieter than they were in the past, at all levels and more efficient at all levels, whether they're flying high or low or on the ground than had been previously the case. But that is only one point here.

Many parts of this country have completed the redesign of the airspace in their regions over the last several years. And why is that important? Well, it is important because the national airspace is now carrying 750 million passengers per year and is expected to be increasing by 50 percent between now and 2025. Today, already, 40 percent of all flight delays in the national airspace system are part of the New York area flights, both incoming and outgoing, which then causes backups all over the country.

We know we are approaching gridlock in our air traffic control system, which is based on a ground-based sight by radar system which is technologically a half century old. It is really old technology. We know we need to switch to a network satellite-based system for traffic control much more quickly than the present estimate of the year 2025.

To do that, we must finish airspace redesign all over the Nation, but particularly because of the congestion, the extensive congestion in the New York area, particularly in the New York area. So the space design and modern satellite-based traffic control allows planes to fly closer together, higher up, on a direct path, save energy in the process, run quieter because they can stay higher longer and be on the ground less than previously was the case.

The added capacity is absolutely necessary and will finally reduce delays in this most congested area by allowing the redesign benefits to accrue from environmental purposes, reducing emissions. Benefits are provided to the controllers because the new technology increases the flexibility in routing and helps balance their workload, and this amendment would delay the removal of congestion. It would prolong the use of outdated, inefficient technology. It would put noise reduction that is in the design process at bay, and it would delay the safe expansion of our air traffic travel capacity.

We have to move on in this 21st century and develop the fully new technology. This amendment should be defeated.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I'm pleased to yield 1 minute to my colleague from New Jersey (Mr. HOLT).

Mr. HOLT. I thank my colleague, Mr. FRELINGHUYSEN, for yielding time to me. I certainly support what the chairman has done in this bill, and I commend him for it. I'm not opposed to redesign of our airspace, but I am opposed to FAA's current redesign plan. The FAA developed and implemented the redesign without consulting key stakeholders, for example, the National Air Traffic Controllers Association, who are the primary users of these procedures.

Last year the FAA changed what is known as the "dispersal headings" for Newark and Philadelphia airports despite insufficient testing, unpublished procedures and failing to train the pilots and controllers. This led to frequent miscommunication between pilots and controllers, planes steering off course and near-collisions.

This amendment would strike the funding for continuing the New York/New Jersey/Philadelphia metropolitan airspace design to allow time for the FAA, the National Air Traffic Controllers and other parties to work together to develop a comprehensive, multilateral approach to improving the system. Funding this project, going ahead as it is, is putting the safety of our constituents at risk, not dealing properly with noise or the efficiency of air travel. I urge my colleagues to support the amendment.

Mr. FRELINGHUYSEN. I would like to yield time to Mr. ELIOT ENGEL from New York.

Mr. ENGEL. Mr. Chairman, I rise today in strong support of the gentleman from New Jersey's amendment to restrict funding for the FAA's ill-conceived New York/New Jersey/Philadelphia airspace redesign plan. This plan was jammed down our throats with zero input from the residents it harms the most. It would put an additional 200 to 400 flights a day over my constituents in Rockland County, New York, with lots and lots of overhead noise, and the FAA won't even tell us how much. They tried to do it without any kind of public hearing. They tried to sneak it. They have been a bad player and have acted in bad faith. There was no notification to myself or other elected officials whose districts are affected. The residents have not had ample opportunities to have their concerns and comments heard.

Landing at Newark Airport right over my communities is totally unacceptable. The noise level will be increased and, again, FAA doesn't tell us how much. I have let President Obama, Secretary LaHood and FAA Administrator Babbitt know that I am totally opposed to this. I commend the gentleman from New Jersey for this amendment. This plan must be defeated. It is not going to serve anyone, certainly not our country.

Mr. OLVER. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. COSTELLO) who is the chairman of the Aviation Subcommittee of Transportation and Infrastructure.

Mr. COSTELLO. Mr. Chairman, I thank you for yielding.

Mr. Chairman, I rise in opposition to the amendment offered by my friend from New Jersey. The amendment would prevent the FAA from funding the implementation of the New York/New Jersey/Philadelphia metropolitan airspace redesign. The FAA's airspace redesign efforts will play a critical near-term role in enhancing capacity, reducing delays, transitioning to more flexible routing and ultimately saving money for the airlines and airspace users in fuel costs.

After 9 years of evaluation and a cost of over \$53 million to the taxpayers, the FAA announced that it would implement a new airspace structure for the five major airports and several regional airports serving the New York/New Jersey/Philadelphia metropolitan area in September 2007.

Congestion and delays in this region ripple through the entire aviation system and cause delays all throughout our entire national airspace system. The FAA did extensive analysis and held more than 120 public meetings in five States throughout the environmental process. Delay benefits are estimated to reach 20 percent by the year 2011 compared to the amount of delays the air traffic system would have without the changes.

According to the FAA, one-half million fewer people will be exposed to noise under this plan compared to no change at all. In July 2008, the GAO

issued a report on the airspace redesign and concluded the FAA's methodology to assess operational and noise impacts was reasonable.

Mr. Chairman, we must not delay the redesign project. We must modernize our airspace and move forward with the NextGen Air Transportation System.

Mr. FRELINGHUYSEN. Mr. Chairman, in closing, let me thank both Chairman OLVER and Mr. LATHAM, the ranking member, for a good bill. We are just trying to perfect it. And let me just say to Mr. COSTELLO, and I thank him for his leadership on these issues, I got the \$53 billion through the appropriations process. And you would think that they could at least recognize the high incidence of aircraft noise over New York and New Jersey. This is a wake-up call to the FAA. We are not the only States where redesign is about to happen. I do think people on the ground have a right to let the FAA know, as they proceed with their redesign plans, that aircraft noise does affect the quality of life for Americans all around the Nation.

Mr. GARRETT of New Jersey. Mr. Chair, I rise in strong support for the amendment offered by the gentleman from New Jersey, Mr. FRELINGHUYSEN, to require that the FAA restrict the use of any funding for the implementation of the New York/New Jersey/Philadelphia metropolitan area airspace redesign.

I have no issue with improving the quality of air travel; I agree that flight delays are a serious problem, particularly at New York-area airports. I simply want to ensure that a fair and appropriate balance is reached between the quality of flight in the air and the quality of life on the ground.

For many years now, I have fought the FAA on its current plan to redraw the airspace over New York, New Jersey, and Connecticut. It would redirect thousands of flights per year over the houses of many of my constituents. This increased aircraft noise affects peoples daily lives in many ways. It is more than a nuisance. Aircraft noise can adversely affect children in schools; the elderly in nursing facilities; and families in their homes. Additionally, these homes may decrease in value as a result of this aircraft noise.

Proponents of the airspace redesign have long maintained that it is necessary to redesign the airspace because a significant portion of the delays in our national airspace derive from the tri-state area. We have long maintained that redesigning the airspace in the way the FAA is proposing would have very little effect on delays but would adversely affect the lives of thousands of people.

There is still time for the FAA to achieve a balance in this process between the needs of those in the air and those on the ground. This amendment would force the FAA to delay implementation of the redesign plan and find an alternative that would achieve a better balance between competing interests. I strongly support the gentleman's amendment, and urge its adoption.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back.

The CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. FRELINGHUYSEN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

PART A AMENDMENT NO. 8 OFFERED BY MRS. BLACKBURN

The CHAIR. It is now in order to consider amendment No. 8 printed in part A of House Report 111-219.

Mrs. BLACKBURN. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 8 offered by Mrs. BLACKBURN:

At the end of the bill (before the short title) insert the following:

TITLE V—FIVE PERCENT REDUCTION

SEC. 501. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

The CHAIR. Pursuant to House Resolution 669 the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

□ 1445

Mrs. BLACKBURN. Mr. Chairman, as I have said so often this year, I rise in defense of the American taxpayer. And once again, we find ourselves on the floor considering still more Federal spending. That spending hasn't brought back the millions of lost jobs. Our constituents are still asking, Where are the jobs? And as my colleagues have promised me, they're going to continue to ask that question.

It hasn't promoted the economic growth that is so desperately needed. What it has done, it has produced a deficit that will likely top \$2 trillion this year. It has contributed to the largest Federal debt this Nation has ever known. That is the debt that my grandchildren will have to pay in missed opportunities and needless sacrifices.

Mr. Chairman, my amendment applies a 5 percent cut to this appropriations bill. That is a 5 percent cut to programs whose spending has increased by 146 percent over the last 3 years. That is 146 percent over the last 3 years. That is a 5 percent cut to programs that have already gotten \$62 billion this year from the stimulus.

Mr. Chairman, I will shortly yield my time, but before I do, let me preview what I am sure my distinguished colleague will say in objecting to my amendment. He is likely to suggest that across-the-board cuts are bad because they do all the careful bipartisan work that is necessary to produce a good bill. And we know that everyone works hard on this legislation. We appreciate that. But we know there is

more work that can be done in perfecting these bills.

He'll tell us that this bill has made tough choices already this year, and respectfully, I disagree. How many hard choices have we really made as a body when we have seen spending more than \$14 billion than was spent last year?

My esteemed colleagues may go through a litany of vital programs that would be destroyed by a 5 percent across-the-board cut. What my colleagues don't many times mention is that a 5 percent cut would allow each of the programs to still grow by 11 percent from last year's funding. And probably what we will hear is that this committee isn't really spending that much more, if you don't count the stimulus spending.

Now, all of these are things that we have heard this year during these 5 percent debates, but, Mr. Chairman, I will say I do count that stimulus spending. I count every penny we're spending because, indeed, it is my grandchildren who are some day going to have to pay this money back.

And with that, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, the gentleman from Tennessee is quite correct. I will claim that an across-the-board cut of the sort that has been proposed in this amendment is the worst possible way that one can do this sort of thing.

In my opening remarks, I pointed out that this legislation has some \$47 billion of appropriation for housing programs and that it's above the President's request in that area because we are trying to fill the gap for what has happened over the last 8 years of cuts in so many of the housing investment programs. And let me just give you an example of this.

One of the points I made in the opening was that one of the things we were particularly trying to do in the very good housing parts of this legislation was to support vulnerable populations. And so in replacement of several years, 5 years in a row of cuts in elder housing and in disabled housing, in tenant- and project-based assistance in our PHA's major programs, we didn't always allow the cuts that the administration had applied and had requested, and we usually, in fact, didn't do that because people in here are concerned about what's going on in the matter of people's lives. However, the cuts were made.

And I would like to just point out that if you go back to the year 2001 and use a 1 percent, a 1 percent per year inflationary factor to each of those housing program investments that we would make, that would bring you to a point \$1.5 billion above where the present legislation proposes in this bill.

So what I'm saying there is that an across-the-board cut of the sort that

has been suggested by the gentleman from Tennessee simply cuts those places that we particularly wanted to put money into in order to fill the gap that has been growing over a period of years, and it's the wrong thing to do.

It would hurt our elders. It would hurt our people who are in affordable housing in either the tenant- or the project-based systems. It would cut Hope VI. It would cut the program for housing for people with AIDS, the elder and disabled housing and CDBG. All of those were programs that were deliberately reduced year after year or recommendations made for a reduction, and, in fact, over time had been reduced substantially compared with the '01 appropriation.

So this has particularly bad effects on those programs, particularly the housing programs that have been well-funded in the bill that we have before us.

I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Chairman, I will simply point out that we have to realize that this is taxpayer money, not government money, and what we are hearing from the taxpayers of this great Nation is that spending is out of control. A \$1 trillion deficit is too much. A Federal debt that is at record levels is too much spending. And taxpayers are telling us they are tired of us spending money on programs they don't want. And it's, as one of my constituents has said, that we are spending money she hasn't made on programs that she doesn't want. And they are right to speak out to us about this.

I will also point out that our States, which function under balanced budget amendments, are great labs of experimentation in State budgeting. Our States make across-the-board cuts. In making an across-the-board cut in this appropriations bill, you would still have 11 percent growth in these programs. And that is significant because in the last 3 years, as I said, this funding has increased 146 percent.

You have programs in this bill that received 62 billion additional dollars through the stimulus, and a 5 percent cut would save the American taxpayer \$3.44 billion. That would be the savings that is there.

We all know as we budget at the Federal level we use baseline budgeting, and a good thing about making across-the-board cuts is that it helps reset that baseline. And what we have seen with our Federal budget, as we have had the additional spending with our stimulus, with these additional appropriations, is those numbers are rising. And yes, indeed, the taxpayers are reminding us they are going through the roof and they are tired of that. They want the spending, the out-of-control spending to stop.

Every year, taxpayers sit down and they write out their check to Uncle Sam, and when they send that check in, they know they're delaying their priorities.

I urge support of the amendment.

Mr. OLVER. I would just reiterate that while I'm not in favor of cutting the bill that we have put forward, I think it is a good bill, that this is by far the worst way that you could possibly do that, and I would urge the defeat of the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

PART A AMENDMENT NO. 9 OFFERED BY MR.

BURTON OF INDIANA

The CHAIR. It is now in order to consider amendment No. 9 printed in part A of House Report 111-219.

Mr. BURTON of Indiana. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 9 offered by Mr. BURTON of Indiana:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available in this Act may be used by Amtrak to provide free alcohol.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Indiana (Mr. BURTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BURTON of Indiana. Well, first of all, I want to thank the Rules Committee for making this amendment in order, and I don't think it's controversial. I hope my colleague agrees with that.

Back in the summer of 2007, Amtrak was trying to get more passengers on their luxury line, and so they decided that they would give people a \$100 coupon to get free alcohol on the trip. It was a way to try to encourage ridership. Well, unfortunately, that didn't work, and 1 year later the GrandLuxe line on Amtrak shut down, and they no longer have used the \$100 incentive by giving people \$100 worth of alcohol to ride the train.

And so what my amendment does is—very simply says that that will not be included in any future Amtrak legislation, that we will no longer be giving free alcohol as an incentive for people to ride the train. And I might add, with all of the rail accidents we've had recently, it's probably a darn good idea.

I reserve the balance of my time.

Mr. OLVER. I claim the time in opposition, though I am not opposed to it and I will not oppose it.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. LATHAM. Does the gentleman yield?

Mr. OLVER. I will yield.

Mr. LATHAM. I rise in support of the amendment also.

Mr. BURTON of Indiana. Well, thank you very much.

You know, I learned one thing a long time ago, Mr. Chairman. When you've got everything going the right way, you shut up. So with that, I yield back the balance of my time.

Mr. OLVER. I yield back.

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

The amendment was agreed to.

PART A AMENDMENT NO. 10 OFFERED BY MR. JORDAN OF OHIO

The CHAIR. It is now in order to consider amendment No. 10 printed in part A of House Report 111-219.

Mr. JORDAN of Ohio. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 10 offered by Mr. JORDAN of Ohio:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ Appropriations made in this Act are hereby reduced in the amount of \$20,050,000,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. Mr. Chairman, let me first say I appreciate the work of the chairman and our ranking member. But what I also appreciate is the fact that last week, for the first time in American history, our deficit reached \$1 trillion, and we are not through the fiscal year yet, and some estimate that this could go as high as \$2 trillion. So what I bring before the body today is a very straightforward amendment.

It says let's take that first step in trying to get our fiscal house in order. Let's take that, what I will call, modest first step. Let's go back to where we were just 9½ months ago, before the stimulus, before the omnibus, before all this ridiculous spending got ahold of Congress. Let's go back to where we were just 9½ months ago and let's live on that amount of money in this appropriation bill. After all, there are all kinds of families, all kind of small business owners, all kinds of American taxpayers who are doing just that.

□ 1500

Now, just like in the amendment a little while ago that my colleague from Tennessee offered, I am sure that the gentleman from Massachusetts will be opposed to this one, and will stand up and say, Well, we can't have this cut.

Again, remember, this is not a cut. This is taking us back to where we

were less than a year ago before we had done the stimulus and the omnibus spending. As I indicated, it is exactly where a lot of families—and maybe more importantly—a lot of small business owners are functioning right now.

Mr. Chairman, I would reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Well, it sounds so simple, only 9½ months ago, but in fact, of course, the funding level that has been proposed here would take this bill back to the appropriated level for the fiscal year 2008. We're talking about the year 2010. We're talking about a year starting several months from now and going forward a year, and he's talking about 9½ months ago being the end of that fiscal year, the end of the 2008 fiscal year, and that was funding the year prior to that. So it is really taking a step backward 2 years in the funding level.

As everybody knows, while we have had a bad economy, the inflation level has stayed relatively low—that's true—but this kind of a funding level, taking \$20 billion out of this appropriation, then has the effect of cutting a huge number of programs by an average of 16 percent for the next fiscal year. It is an unsustainable number for the kinds of efforts that one needs to have in housing. As I've indicated, for housing, there is growth in this. I agree there is growth in this bill.

On the transportation side, the major point of growth is in the high-speed rail program. The high-speed rail program is putting forward money that actually will extend out over a series of years. It doesn't all happen in the first year by any means at all. We all know that. It creates jobs over a period of time in the building of that infrastructure.

In the case of housing, again, if one tries to cut the housing programs, it will be particularly bad for vulnerable populations, and we should not do that.

I oppose the amendment, and I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, I would just ask the question: How bad does it have to get? Do we have to get to a \$2 trillion deficit? Do we have to get to a \$3 trillion deficit? How bad does it have to get before we can simply say this: Let's just hold the line. Let's just quit making the problem worse. How bad does it have to get before we can do something that every single family has had to do at some point in their lives and that every single small business owner has had to do at some point? How bad does it have to get before we can take the first step—again, that modest first step?

Think about where we're heading. Over the next 10 years, with the pace of spending we're at right now, the Federal debt is going to go to \$23 trillion. Now think about what it takes to pay

that off. You first have to balance the budget. Then you have to run a \$1 trillion surplus for 23 straight years, and that doesn't even count the interest, which is now approaching \$1 billion a day.

I offered a balanced budget. A few months ago, we voted on the budget, which sets the context for this. I offered a balanced budget, and we reviewed it. Our budget didn't balance until the last year, until the 10th year of the budget window. We didn't balance until the last year, and we were viewed as the radicals.

I go back home and talk to folks. In my district, they look at me, and they say, JORDAN, you big sissy. Balance it in 4 or 5 years. What are you doing taking 10 years? That's the perspective the American people have. Yet, here in Washington, we continue to spend and spend and spend, and we can't even take that simple, modest first step of saying, You know what? Let's just live on what we were living on 9 months ago. Let's start to get our fiscal house in order. Let's start to do what the American people have to do all the time. That's all this amendment does.

Mr. Chairman, I would yield back the balance of my time, and I would urge a "yes" vote.

Mr. OLVER. There is no direction in the amendment, itself. It merely says cut the total expenditure by \$20 billion, which is one-sixth of the sum total of the legislation. All I can do is say, if one were to do that by one-sixth of the appropriation for affordable housing, for our tenant- and project-based systems, we would be putting out 400,000 families. Yes, it's bad, but it's those low-income families who are probably in the worst shape and in the most needy shape of all. I'm not sure that we want to do that. I certainly don't want to see that happen, and I hope the majority will not want to see that happen.

Let me just close by urging a "no" vote on this amendment. It is a slash-and-burn kind of an amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. JORDAN of Ohio. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

PART A AMENDMENT NO. 11 OFFERED BY MR. NEUGEBAUER

The CHAIR. It is now in order to consider amendment No. 11 printed in part A of House Report 111-219.

Mr. NEUGEBAUER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 11 offered by Mr. NEUGEBAUER:

At the end of the bill (before the short title), insert the following:

## TITLE IV

## ADDITIONAL GENERAL PROVISIONS

SEC. 414. Appropriations made in this Act are hereby reduced in the amount of \$13,553,000,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. Mr. Chairman, I rise today on a simple mission: to help get some of the taxpayers' money back.

We passed an historic spending bill back in February, saddling our children and our grandchildren with mountains of debt. We were told that these funds would go towards projects that were targeted, temporary and, most importantly, timely—referred to as “shovel-ready.” Well, guess what, Mr. Chairman?

According to the White House's own Web site, recovery.gov, just 11 projects have been awarded by the Department of Transportation so far. Just 11 projects. So we rushed out to spend \$20-plus billion. We were told we can't wait until we get through the normal appropriations process. We've got to go spend this money right now so we can get it out and so we can create the jobs. Let me tell you how reliable this recovery.gov is.

Just this week, a military installation in my district was featured on the Drudge Report for what appeared to be excessive amounts of stimulus spending. It turns out that an error was, in fact, made by—you guessed it, Mr. Chairman—the operators of recovery.gov. They couldn't even enter a contract award correctly onto the Web site, which is supposed to be the model of government transparency. This is just one more example of how flawed this recovery process has been.

One of the things that astounds me is that we said we had to go out and spend all of this money and that it was going to create jobs. Well, the question is: Where are the jobs, Mr. Chairman? What we've seen since we passed this recovery package is that people have lost their jobs. Today, 14 million people are out of work; 9.5 percent of Americans don't have jobs. Do you know what we're helping them do now? We're saying, You know what? We know you don't have a job, and we know you're having a hard time getting by. Do you know what we're going to do? We're going to pile up mounds and mounds and mounds of debt so that your children and grandchildren will have to work 25 hours a day just to pay the debt.

Mr. Chairman, what this simple amendment does is say, You know what? We were wrong. We thought we could spend this \$21 billion. We needed to get it out immediately. We found out we can't, so we're going to give part of that money back. We're going to give \$13 billion of it back.

Let me tell you the logic of what this bill does today. We said we had to rush

to get this \$21 billion spent. What we're saying and what we know is that now 13 projects and less than \$1 billion of contracts have been awarded. Do you know what we're going to reward the government to do? We're going to say, Y'all did such a bad job of not spending the \$21 billion we gave you back in the spring that we're going to reward you. We're going to give you another \$21 billion of the taxpayers' money. By the way, Mr. Chairman, it's \$21 billion we don't have. It's \$21 billion we don't have.

So what we're going to have to do is not only give them another \$21 billion, but we're going to have to borrow \$21 billion from China or from Japan or from some other country. It just doesn't make sense to keep going down this path. Mr. Chairman, we have to stop that.

I reserve the balance of my time.

Mr. OLVER. I claim time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, this amendment is \$13 billion. Therefore, compared with what I call “slash and burn,” this is slash and burn a little bit less than the previous one. Generally, there is no direction as to how one might do it, and I'm left with the question of what kinds of impacts this one might have.

I would point out that it would have an impact of now, not the 16 percent but only an 11 or 12 percent cut—roughly 11, I guess it would be—on all of our transit programs, on the public transportation programs that we fund and that move people around in as efficient a way as they possibly can. It would have a similar effect on all of our air traffic safety programs, on all of the efforts that we have to make in order to have our airports and our air traffic controller systems function appropriately. All of those things come from this kind of an amendment. This would take us back to a freeze of the '09 levels, not the '08 levels, which was the previous one, but it would be a freeze at the '09 levels.

I oppose the amendment. I urge defeat of the amendment.

I reserve the balance of my time.

Mr. NEUGEBAUER. I dare to disagree with the gentleman. What we're stopping from happening here is what we call in Texas “double dipping,” because we gave them \$21 billion from some of these same programs less than 6 months ago. They've only spent 11 percent of it, so I don't think we're cutting anything.

What we're saying is we're going to cut out the monkey business here. We're not going to allow them to double dip, and we're going to give that money back to the American people, Mr. Chairman. They're not even going to spend this \$21 billion probably in the next fiscal year. They've spent only 11 percent since the inception of this bill. So we're not cutting anything. We're

just saying, Hey, you're having trouble spending the first \$21 billion. We'd like this \$21 billion back. If you want to bring it back in another appropriations bill, we'll allow you to do that, but the problem is that we are accumulating this huge debt. Our national debt is at \$11.7 trillion. That's \$37,000 for every American in this country.

In just a few months, I'm going to have my third grandchild. Do you know what? I'm going to give that child a present or, I guess, the government is going to give that child a present. I'm going to write a letter and say, Your granddaddy was here to inform you that, on your birthday, you owe \$37,000 right out of the chute.

The American people are fed up with it. They want their money back. We cannot allow these government agencies to double dip. They're not spending the American taxpayers' money wisely. They're not creating jobs, and they're sick and tired of it. They're fed up. If you really want to make a mark in this Congress, vote for this amendment, and give the American people their money back.

With that, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, the gentleman has just made an argument and continues to make an argument about the level of debt.

In 1980, when President Carter left office, the national debt of the country was about \$1 trillion. Twelve years later, the debt of the country had reached \$4 trillion. It had quadrupled. It had quadrupled in those 12 years. In the following 8 years, the debt went up again by another \$1.4 trillion, so that at the end of President Clinton's term, the debt had gone up about one-third more, just slightly more than one-third more. Then during the Presidency of the previous President, we saw the debt go from \$5.4 trillion to \$10.5 trillion as he left office. Then it went up almost double in just an 8-year period.

Now there is concern since we have been in a recession for more than a year now, the first five quarters of which were clearly in the previous administration with the housing crisis, a deep recession with severe losses of jobs throughout the last year. They're continuing. This is a deep recession, but this is not a time to be cutting our most vulnerable people through this sort of action. This action is the wrong action to take. We will grow out of this over time. I urge defeat of the amendment.

□ 1515

I yield back my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. NEUGEBAUER. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the

amendment offered by the gentleman from Texas will be postponed.

PART A AMENDMENT NO. 12 OFFERED BY MR. STEARNS

The CHAIR. It is now in order to consider amendment No. 12 printed in part A of House Report 111-219.

Mr. STEARNS. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 12 offered by Mr. STEARNS:

At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_ . Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 25 percent.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, my amendment is a little bit like Mr. NEUGEBAUER's, pretty much straightforward. It freezes the transportation spending in the Transportation-HUD appropriations bill just simply at last year's level. Obviously with the economy contracting and unemployment rising, it's not responsible to drastically increase spending by almost \$14 billion, and this represents a 25 percent increase over our current levels. This funding obviously does not even include the \$62 billion that came from the stimulus act.

So if the stimulus act funding is taken into account, even with the 25 percent reduction that I am proposing, funding for the Department of Transportation and the Department of Housing and Urban Development would receive an increase of \$48 billion over last year. And that's, of course, with the stimulus package.

So think about this. You have this bill. You have the stimulus package, which adds additional money. So in a sense we're asking just to freeze the spending level at 2009-fiscal year level.

You know, when you take a look at all the appropriations spending combined, funding for programs within this bill will have increased 146 percent since the Democrats took over in the year 2007. This level of spending is simply unsustainable in the light of the Nation's growing deficits and the debt.

Now, there's a lot of good programs in this bill that I strongly support, but increasing all these programs by 25 percent at a time when we're drowning in debt and experiencing the worst economic crisis in decades is simply unwise. For example, discretionary spending for the Department of Transportation is increased by \$4.5 billion, or 27 percent, including a 25 percent increase for the Office of the Secretary and a whopping 1,384 percent increase for the Federal Railroad Administration.

The Department of Housing and Urban Development also receives an increase of \$1.6 billion, or 3 percent, in discretionary spending, including a 100 percent funding increase for the HOPE VI program. The HOPE VI program, President Obama proposed that program to eliminate it.

So approving this huge increase without doing anything about the budget disaster looming on the horizon obviously is only going to magnify the problems for this country. Families across my congressional district and across the country are having trouble. They are tightening their belts during this tough economic time. They don't have the luxury of an unlimited government credit card that allows them to simply throw borrowed money at every single problem they face. Instead, they have to set priorities and make tough spending decisions.

So I don't think it is too much to ask Congress to do the same thing, and I say to my colleagues on that side, are your constituents getting a 25 percent increase over the last year? I don't think so.

This Congress and President Obama continue to ignore the fact that this reckless spending will bury our children and our grandchildren under a mountain of debt. In fact, in a recent report, the nonpartisan Congressional Budget Office warned that excessive spending proposed by this administration and the Democrat leadership in Congress such as contained in this bill, as a good example, will drive the Department-to-GDP ratio from 41 percent to a staggering 71 percent. You know, we're just doubling the national debt in 5 years. So we must hold the line, attempt to hold the line on spending and make sound budget choices that are sustainable and that do not rely on continued deficits and borrowing.

Obviously, there's plenty of blame to go around, but here at this point we have an opportunity to stand up. We have a lot of work to do. I think this is a good amendment. I think we should start forward by simply passing my amendment, by saying that we should hold the line here and keep the spending under control.

I urge my colleagues to support this. I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I thank the gentleman for his amendment. The gentleman's amendment is actually slash-and-burn sort of squared, essentially, because it puts the whole pressure of the reduction—it's not as large a dollar reduction—but it is all focused deliberately and directly upon discretionary expenditure.

And of course, when the gentleman points out that he is strongly in favor of a lot of the programs here, I'm sure that there are a few of those programs that are discretionary programs, per-

haps not all of them, though I suspect that there are a fair number of programs that he doesn't particularly like and that are mandatory programs as well.

So, again, we have here a very large cut in the budget that is proposed by taking 25 percent out of the discretionary programs, and the arguments would only be repetitious, and I don't mean to take people's time.

I reserve the balance of my time.

Mr. STEARNS. Mr. Chairman, how much time do I have?

The CHAIR. The gentleman from Florida has 1 minute.

Mr. STEARNS. I would say to my colleague from western Massachusetts, the beautiful country up there, you have in this bill, there's a 25 percent increase for the Office of Secretary.

I would ask my colleagues, are his constituents getting a 25 percent raise in western Massachusetts, you know, running from Springfield up to Deerfield across from Hatfield over to Amherst. I don't think they're getting a 25 percent increase.

And if you look at the Federal Railroad Administration, it has a whopping 1,384 percent increase. So I would ask my colleague to address those two questions. Does he support a 25 percent increase for the Office of Secretary, and does he support a whopping 1,384 percent increase for the Federal Railroad Administration?

I reserve the balance of my time.

Mr. OLVER. We have in this legislation and in the Recovery Act earlier this year, we have added enormous additional responsibilities to both the Secretary of Transportation, our good former colleague, very popular former colleague, now-Secretary Ray LaHood, in order to administer those properly and do what they are told to do under the Recovery Act, to get all of those moneys out and moving. For instance, they have gotten some 300 applications thereabouts for the high-speed rail moneys, the high-speed rail and inner city passenger rail programs. You've got to have people to look at those programs, to assess them, to decide which ones are the better ones, to move the paperwork so that we will be able to actually have those projects out where they're going to get people to work as quickly as it's possible to do.

And the same thing is true for the Federal Rail Administration. The Secretary's office has certain key responsibilities added to his. It is not nearly as much as the increase of responsibilities that has been given to the Federal Rail Administration, which is really where the first monitoring and the first assessment and grading of all of the projects that have come in is. It's an enormous program that is there, but it is part of what was expected to have to happen in order to make the high-speed rail and inner city passenger rail programs work.

So I have no apology whatsoever for additional administrative assistance for making those things happen. If we

hadn't done that, we would have been killing the programs before they even could even get started, and that was not the purpose of the American Recovery Act in the first place.

And again, I reserve the balance of my time.

Mr. STEARNS. Mr. Chairman, I think the gentleman hasn't answered the question: Why a 1,384 percent increase for the Federal Railroad Administration?

Another question he hasn't answered is, why is he increasing 100 percent funding for the HOPE VI program, which the President of the United States, your President, said he proposed to eliminate?

I reserve the balance of my time.

The CHAIR. The gentleman's time has expired.

Mr. OLVER. How much time do I have?

The CHAIR. The gentleman from Massachusetts has 1½ minutes.

Mr. OLVER. Well, I will simply say on that one that the President actually proposed a totally new program which had not been authorized at the \$250 million level. We, instead, decided because it was not authorized that we would leave it to authorization, and it was somewhat similar. It was in some ways an expansion of the HOPE VI program and alteration of the HOPE VI program, he would say quite significant alteration of that program, for a \$250 million program.

Instead, we put that money that he had requested into the HOPE VI, which we had in this Chamber, perhaps without the gentleman's vote, we had reauthorized last fall but hadn't been acted upon by the Senate. It will be, again, acted upon by the House later this year, and there will be a reauthorization, I would guess, within this year for the HOPE VI program, and that's where the money has been placed.

I yield back my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

PART A AMENDMENT NO. 13 OFFERED BY MR. TURNER

The CHAIR. It is now in order to consider amendment No. 13 printed in part A of House Report 111-219.

Mr. TURNER. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 13 offered by Mr. TURNER:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to establish, issue,

implement, administer, or enforce any prohibition or restriction on the establishment or effectiveness of any occupancy preference for veterans in supportive housing for the elderly that (1) is provided assistance by the Department of Housing and Urban Development, and (2)(A) is or would be located on property of the Department of Veterans Affairs, or (B) is subject to an enhanced use lease with the Department of Veterans Affairs.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Ohio (Mr. TURNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. TURNER. Mr. Chairman, this amendment is a pro-veteran amendment that would prohibit HUD funds from going toward enforcing regulations against a veteran's preference in HUD financing or HUD-financed housing that is built on a VA campus or is using a VA-enhanced use lease.

This issue came to light in the Third District of Ohio because of a conflict between HUD rules and regulations and VA rules and regulations. In Dayton, Ohio, the St. Mary's Neighborhood Development Corporation has been attempting for several years to construct senior housing on the campus of the Dayton VA Medical Center.

St. Mary's was able to obtain an enhanced-use lease from the VA to construct the housing on the Dayton VA campus. They were also able to obtain HUD section 202 funding that would allow for the financing of the construction for low-income senior housing. So we have VA providing the land and HUD providing funding, both VA and HUD agreeing that this would be an excellent project to help us respond to homeless veterans, to provide low-income housing for veterans, and also to respond to the needs of seniors in the community.

However, HUD has previously asserted that St. Mary's may not be able to use these critical dollars if the VA lease requires a specific preference for veterans to occupy the proposed facility on the VA grounds. HUD has prohibited a preference given to veterans housing in this facility on the Dayton VA campus. The VA rules and regulations require that the VA assert and request a preference for that housing to be built on their campus.

This amendment seeks to solve this issue by prohibiting funds in the bill to allow HUD to enforce their restriction against a preference for veterans. This is good for seniors, and this is good for veterans.

I reserve the balance of my time.

□ 1530

Mr. OLVER. Mr. Chairman, I claim time in opposition, though I am not opposed.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. LATHAM. Would the gentleman yield?

Mr. OLVER. I would yield to the gentleman.

Mr. LATHAM. I certainly would support the gentleman's amendment also.

Mr. TURNER. I appreciate their support.

I'm happy to yield back the balance of my time.

Mr. OLVER. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. TURNER).

The amendment was agreed to.

PART A AMENDMENT NO. 14 OFFERED BY MR.

RANGEL

The CHAIR. It is now in order to consider amendment No. 14 printed in part A of House Report 111-219.

Mr. RANGEL. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 14 offered by Mr. RANGEL:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to implement or enforce the requirement under section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437j(c)); relating to community service).

The CHAIR. Pursuant to House Resolution 669, the gentleman from New York (Mr. RANGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Chairman, I'm joined in this amendment by Mr. FRANK of Massachusetts, Ms. WATERS of California, Mr. WATT of North Carolina; and what it actually does is to prohibit the implementation of the Public Housing Community Service requirement that those people who live in public housing are required to put in a certain number of community service hours.

Nowhere do we have where people who find themselves in public housing have to be mandated to do certain hours of volunteer work. Indeed, there's no funds available to enforce this mandate.

The housing authority in the city of New York and other housing authorities around the country think this is a worthless addition and vindictive that is put into the bill.

It does not require section 8 and other people who are recipients of public housing to do this. We have been successful in having it delayed. It should be repealed. We just have not got around to reviewing the entire legislation.

It's not effective. It's not working. It's really an insult to people who donated so much to their country and their community who find themselves in need of housing subsidy, to be mandated, more or less, to provide public service when those people who are able to do volunteer work are doing it anyway.

So I reserve the balance of my time.

Mr. LATHAM. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. The purpose of the service commitment was sound at the time, and it still is. Residents were asked to participate in making their community better, improve the social interaction, and provide services for their communities including day care, education, after-school monitoring, and facility management.

No one that is unable to participate is penalized, whether elderly, students, working parents, or any other of a long list of exemptions that are allowable under the law.

The intent is not to make people work for their money. It's to ensure that those who live in the community participate in keeping it safe, sanitary, affordable, and a vibrant community. This is what we ask of ourselves and our neighbors.

For those who do participate, flexibility is the centerpiece of the requirement. Residents have great flexibility over what service is provided and when it's provided. Every attempt is made to ensure that the services of the parent can be made to benefit the children or the elderly citizens living in the authority.

Keep in mind, we're only talking about 8 hours a month. Eight hours a month. This is not a hardship.

It has provided a great benefit to each housing authority where it's been actively implemented. If this requirement is removed, those services will be lost because every indication from the housing authority leadership indicates that there are no funds to replace the services now being provided by those residents.

One of the arguments I've heard is that it's hard on the PHAs to administer the program. This is just ridiculous. Authorities receive millions in Federal funds each year to administer Federal requirements, and if the service is lost, I don't see anyone proposing to reduce the administrative funds provided in this bill. PHAs receive funds for federally required activities, and they should use them for those purposes.

Frankly, I think it's a requirement that should stay in place and is no more than what we all require of ourselves and our communities. When I go home it would be pretty hard to explain to my voters that 8 hours a month is just too great a burden to ask in order to ensure that their investment in the well being of the people and property is sustained.

I reserve the balance of my time.

Mr. RANGEL. How much time do I have remaining?

The CHAIR. The gentleman has 3½ minutes remaining.

Mr. RANGEL. I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the chairman of the Ways and

Means Committee for his leadership on this issue, which has been sustained.

The question is not whether or not we should be working to see that public housing residents require the skills, et cetera, that will help them, but how to do it.

The community service requirement is a slapdash, honored in the breach. It's a mandate resisted and resented by the people who have to administer it. We have in the bill that we voted out of committee today by a large vote, bipartisan vote, the reform of the voucher system, which both the public housing and for vouchers includes the Moving to Work program, which is a sophisticated and balanced way to do this and provides funding for it.

Those who administer public housing want to do that. They want to help people do this. But imposing on them the requirement to do work, imposing on people who are already underfunded the obligation to mandate whether every public housing resident is doing 8 hours of leaf raking and snow shoveling doesn't help anybody. It advances nothing. And it gets in the way of efficient administration.

We will do this the right way. And this is the wrong way, according to everyone who has been involved in a serious way with it.

Mr. LATHAM. I would yield 2 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the chairman and I thank Mr. LATHAM for yielding. I rise in opposition to this amendment. I was glad to hear the chairman of the full Financial Services Committee address this issue, because I was on that committee for 12 years. We've had this debate, and it's lasted hours and hours and hours.

And I will just indicate I'm glad he's moving new legislation, but I would note that two of the cosponsors of this amendment, the full committee chairman and the subcommittee chairman in charge of this particular issue, and if there's a problem with the service requirement, I hope they're going to fix it. He said he has.

Secondly, on March 31 of this year, we passed the Edward M. Kennedy Serve America Act, H.R. 1388. The President believes in community service. I assume anybody that voted for the act believes in community service. I know I did. And we are going to encourage community service.

As Mr. LATHAM indicated, this is 2 hours a week, 8 hours a month. I would accept the argument that some have made on the other side that this is taking a slap at people who are in a position to require public assistance for housing; but I would suggest that when we are just bailing everybody out, when we give billions of dollars to people on Wall Street, over my objection, for horrible business decisions in the subprime market and the securitization of mortgages, when we have given billions of dollars to car executives, automobile executives who

have not reformed their business practices in 30 years and now find themselves to be bankrupt, when we have bailed out people that purchased homes they had no business purchasing because they could never afford it based upon their means, I would suggest we go in the direction not of removing this requirement, but let's put community service on the Wall Street bankers.

Let's put it on the guys that run General Motors and Chrysler. Let's put it on the people that have purchased homes and have thrust this Nation into debt.

Mr. FRANK of Massachusetts. Would the gentleman yield?

Mr. LATOURETTE. I'm happy to yield.

Mr. FRANK of Massachusetts. I must have misplaced the bill. Should I look for a number that I hadn't seen? If the gentleman wants to do it, why haven't you?

Mr. LATOURETTE. I appreciate the gentleman's question. I would just say since the majority resumed this 111th Congress, almost every rule that's come to the floor has been closed.

Mr. FRANK. Would the gentleman yield again?

Mr. LATOURETTE. I'd be happy to yield.

Mr. FRANK of Massachusetts. The gentleman offered a resolution to the committee I chair. We passed it out unanimously. The gentleman knows he has always gotten a fair hearing in our committee. But I can't listen to what he doesn't say.

Mr. LATHAM. May I inquire as to how much time remains.

The CHAIR. The gentleman has 30 seconds remaining.

Mr. LATHAM. I would yield 30 seconds to the gentleman from Ohio.

Mr. LATOURETTE. I would just say to the gentleman, I praised the gentleman on the floor for voting that Resolution of Inquiry out 63-0. I would also note that the distinguished majority leader of the House, although you took that action more than 3 weeks ago, has yet to schedule that bill for activity on the floor.

Mr. FRANK of Massachusetts. Would the gentleman yield? He wouldn't be in charge of the other one. You and I can work it out. So come to me about Wall Street and we'll make a deal.

Mr. RANGEL. I yield 1 minute to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, this isn't about community service. Community service is something you do voluntarily, something you sign up for. Indentured servitude is when you are told this is what you will do because you are getting something from the government.

Now, if that's what you want to do, that's fine with me. I like the idea of Wall Street people doing it. I also like the idea of little children who are getting free lunches, let's get them to work. And don't forget the senior citizens in senior housing. Let's get them

to work. They can do a lot. And let's not forget the farmers who get agricultural subsidies to the tune of hundreds of thousands dollars. Let's get them to work.

Not ask them, not encourage them. Let's demand it. And let's do it on the basis of how much they earn. Because my guess is if you're talking about poor people in public housing—first of all, I wouldn't vote for 8 hours a month, 8 hours a year, or 8 minutes in a year. It's indentured servitude no matter how you slice it.

Now, I know early America was built on the back of indentured servitude. I know that. Most of the ancestors of the people in room were indentured. At one time in this country, about two-thirds of the people in America were.

It's wrong. We stopped it. We can't let it go on today.

Mr. RANGEL. Mr. Speaker, I say this to my Republican friends that I sincerely wish we had a better balance of parties in this House and in this country. I sincerely wish that the things that we were debating would not be the rich against the poor, but it would be what we could do collectively to make this a stronger country, better educated, better health care, things that we can do to secure us.

It would seem to me that when issues like this come up, that America—you can bet your life—that the minority party, if it concerns the poor, if it concerns people that need some help, if it concerns health, if it concerns education, we can almost depend that they would be walking lock-stock in opposition.

Some of the reasons that they give would appear to be meritorious. But why is it that we always find the opposing party wanting to penalize, wanting to punish, and wanting to show that they have no compassion for those Americans who are less fortunate than themselves?

I do hope that we can find some middle ground, not just to punish the Wall Street activists, which clearly that's rhetorical; but that we can find some way that we can offer something so that the Republican Party would be able to get rid of this terrible stigma they have somehow thrust on them, that if it means compassion, if it means energy, if it means giving a hand out and a hand up, that we can depend on their support.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

The amendment was agreed to.

The CHAIR. It is now in order to consider amendments printed in part B of House Report 111-219.

PART B AMENDMENT NO. 1 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 1 in part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds in this Act under the heading "Federal Aviation Administration—Grants-in-Aid for Airports" shall be available for the Terminal Replacement project at Grand Forks International Airport in Grand Forks, North Dakota, and the amount in the first proviso under such heading is hereby reduced by \$500,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. This amendment would prohibit \$500,000 from going to the Grand Forks International Airport in Grand Forks, North Dakota, and would reduce the overall cost of the bill by a commensurate amount.

This is money going to an airport terminal. Yet we're told that the funds that are being earmarked from this Airport Improvement Program account of the bill, this is a widely used competitive grant program that others can apply for grants from. The Competitive Grant Program stipulates later that the funds can't generally be used for terminals or terminal improvements.

So the biggest question here, I guess, is why in the world we're designating money from this account that is an account for competitive grants to be received by applicants, why we're designating it as an earmark to an airport terminal that typically falls outside of the purview of the funds in this account.

I hope the sponsor can illuminate on that subject.

And I reserve the balance of my time.

□ 1545

Mr. POMEROY. Mr. Chair, I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman from North Dakota is recognized for 5 minutes.

Mr. POMEROY. I salute my colleague Mr. FLAKE for, once again, his vigor in trying to raise questions relative to spending. Certainly, these are public assets we're talking about, and it's a fine thing to have a discussion in the full light of day here in the House of Representatives for each and every line item, including a \$500,000 issue that has been raised relative to the Grand Forks airport terminal. I, as a Representative of Grand Forks, am proud to give the details relative to what is an extremely important project for North Dakota.

Airport improvement moneys in North Dakota typically run through the North Dakota Aeronautics Commission. I would submit into the RECORD a letter from the North Dakota Aeronautics Commission relative to their support of this project as the first priority.

Mr. FLAKE has raised the question in terms of whether airport improvement money raised is used for terminals.

Most of it isn't, some of it is. I have a chart here that shows about 12 percent, nearly 13 percent is used for terminals, and I would wager that nearly every Member of the Chamber has some evidence of airport improvement grant money being used for terminals.

Now, why would it be used for terminals when principally its direction is elsewhere? Because each of us is encountering, in our districts, situations where the terminals, frankly, get beyond repair and must be attended to on a priority basis for the needs of the general public. The conditions of this airport are truly, deeply problematic. They involve issues of safety.

Under the present layout of the airport terminal relative to the tower, a line of sight is actually blocked by virtue of how they're forced to use the terminal. Believe it or not, the Grand Forks International Airport is the 22nd busiest airport in the country. You might think, How can that possibly be? Well, we're proud to host the University of North Dakota pilot training programs under the John Odegard School, one of the truly elite university-based pilot training programs in the country, with enrollment well over 1,000 students. They place a tremendous traffic burden on what would otherwise be a small airport facility.

So safety issues really matter, especially considering the fact that you have got a lot of inexperienced pilots doing their training at this particular facility.

We have issues of public safety. Severe inundation of basement areas resulting in everything from mold to threatened mechanical equipment, sump pumps running around the clock. Again, for a fairly substantial major facility, these are pitiful problems for a facility that desperately need to be addressed.

We have security issues by the TSA screening equipment linked to equipment in this basement area. We have ADA code deficiencies. One might ask, Well, is there a cheaper thing you can do than build a new terminal? A major renovation triggers addressing all of the ADA deficiencies in the building. That involves a massive amount of money.

The Aeronautics Commission, the experts in North Dakota on this, believed it was essential to address in this fashion. Passenger load this year up 11 percent over '08. It is an airport that continues to grow. It is a facility that needs to be done.

So I thank Mr. FLAKE, my friend, for giving me the chance to explain these aspects of it. I stand here prepared to answer any questions the gentleman may have.

NORTH DAKOTA AERONAUTICS  
COMMISSION,

Bismarck, ND, Apr. 3, 2009.

Congressman EARL POMEROY,  
U.S. Senate,  
Washington, DC.

DEAR HONORABLE CONGRESSMAN POMEROY: The North Dakota Aeronautics Commission has reviewed the 2010 FAA Airports Improvement Program. In priority order, we ask that

the following airports be given strong consideration of FAA's Discretionary Grants:

1. Grand Forks International Airport—Construct a two level air passenger terminal capable of boarding jet and regional aircraft. The building is designed for energy efficiency, improved circulation of safety and security screening, and future expansion if necessary. Total cost in 2010 is \$11,840,632 with FAA share at \$9,264,744. The state share is estimated at \$500,000 and local share at \$791,499.

2. Devils Lake Regional Airport—Construct Runway 13 extension, improve safety area, relocate perimeter road, relocate Rwy 31 ILS system, and construct parallel taxiway. In 2010, the total cost is \$6,000,000 with FAA share at \$5,700,000. State and local share is \$150,000 each.

3. Minot International Airport—Reconstruct Taxiway C and purchase Snow Removal Equipment. In 2010, the total cost is \$2,152,631 with FAA share at \$2,045,000. The state and local share is \$53,816 each.

4. Wahpeton Harry Stern Airport—Reconstruct Runway 15/33, taxiways, apron and lighting system including safety area improvements. In 2010, the total cost is \$7,368,421 with FAA share is \$7,000,000. The state and local share is \$184,421 each.

These projects are ready to be constructed with the FAA 2010 allocations. We appreciate your support of FAA funding for enhancing safety with these proposed improvements at these North Dakota airports.

Sincerely,

MARK HOLZER,  
*Interim Director.*

I reserve the balance of my time.

Mr. FLAKE. I thank the gentleman for the explanation. I hope the reason the airport is so busy is that so many people from North Dakota are coming to Arizona in the wintertime at least, but, unfortunately, they go back in the summertime.

I'm not questioning the need for renovations to the terminal. In the research we did, we found there—they said, The terminal has serious mold problems and other things that are a danger to employees and to travelers. That is not what is the question here.

The question is—and we have this question with virtually every appropriations bill that we now deal with—is that we appropriate money to the various agencies, and we'll instruct them to establish a competitive grant program to distribute the moneys to worthy recipients. Then the folks at home in the municipal airports or States or whatever district they're in will decide that they want to apply for these funds, increasingly over the last couple of decades.

I'm not blaming Democrats. Republicans are just as guilty of this, but we have earmarked those accounts that we have told the agencies to establish. In this particular case, this earmark is taken from an account that is supposed to be competitively offered, and grants are to be awarded on a competitive basis on the basis of merit.

But what happens—and we talked about this a few weeks ago with another big grant program, this one with regard to flood chrome districts in the Homeland Security bill. The problem is the folks at home in all of our districts want to apply for these moneys, and

when they apply for these moneys, they find that sometimes half of them or 75 percent or all of the moneys in that account are gone because particular Members, largely on the Appropriations Committee or other powerful Members, have gotten earmarks to take those funds before anybody can apply for them.

Now, I would submit that if we don't like the way the agencies are distributing this money, let's change it. Let's not grant them that money. Let's do it differently. But let's not set up a competitive grant program, an account at an agency, or instruct them to, and then circumvent it ourselves. That, unfortunately, is what we see all too much of, and that's what we have, it seems to me, an example of here.

I reserve the balance of my time.

Mr. POMEROY. The gentleman has stated his case well, but he's shooting at the wrong target this time. I'm not going to stand here and say every dollar in the appropriations process is perfectly directed. Nothing is perfect. I believe that the steps that we have made—certainly to address some of the concerns raised by my friend from Arizona—have helped bring transparency to this process where all this business is conducted in the full light of day.

I've got a problem with the appropriation at issue. It's not nearly big enough. We saw \$2 million. We have got \$500,000 for a project that is going to cost \$22 million.

The CHAIR. The time of the gentleman from North Dakota has expired. The gentleman from Arizona has 1½ minutes remaining.

Mr. FLAKE. I thank the Chair.

Like I said, I don't think the appropriations process—you can never have a perfect process anywhere you go, but I would submit that when you have literally thousands and thousands and thousands of congressional earmarks, many of which are earmarking programs that we have instructed the agencies—earmarking moneys that we've instructed them to establish a competitive grant program for, then we have a problem. If we don't like the way the agencies do it, let's change that. We control it because we control the purse. But let's not run a parallel program that turns into really a spoils system.

With that, I urge adoption of the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 4 OFFERED BY MR.  
FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk, designated as No. 4 of part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds provided in this Act under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" shall be available for the Murphy Theatre building renovation project of the Murphy Theatre Community Center, Inc., in Wilmington, Ohio, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Economic Development Initiative grants in the second paragraph under such heading) are each hereby reduced by \$250,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair.

This amendment would prohibit \$250,000 in funding for the Murphy Theatre Community Center, Inc. for building renovation, and it would reduce the cost of the bill by a commensurate amount.

According to the sponsor's Web site, funding would go to the complete renovation of the Murphy Theatre. The theater is a focal point of downtown Wilmington, Ohio. It's 90 years old and has been in constant use since it opened. It's now in need of major rehabilitation.

According to the Murphy Theatre Web site, the theater was built by the shrewd Chicago Cubs owner Charles Webb Murphy in 1918, and "When he built the Murphy, he owned his hometown," it says. Mr. Murphy has his name painted on the theater's rear large wall, enough to be seen from the railroad tracks, and when the town druggist questioned the town's financial viability, he was quoted as saying, "Dan, that's not an investment, that's a monument." That sounds like a great theater.

I think many districts and towns across this country have something similar. The question here is, should the Federal taxpayers' moneys, should the taxpayers in the State of Washington or Wisconsin or Alaska or elsewhere be sending their hard-earned tax dollars to Washington to be earmarked to renovate a theater in Ohio?

With that, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. LATOURETTE. Mr. Chairman, I want to yield as much time as he may consume to my good friend and colleague from Dayton, Ohio, MIKE TURNER, the sponsor of this particular provision in the law, to answer the gentleman from Arizona's question.

Mr. TURNER. Thank you, Mr. LATOURETTE. I appreciate you yielding time to me.

Wilmington, Ohio, is in my congressional district, and it has seen a number of challenges over recent years. Of course, all across the country we are all experiencing the economic downturn, but specifically, in Wilmington, Ohio, they are experiencing the closure of DHL's North American hub, which was located there. The closure of DHL's operations will result in the loss of approximately 8,000 jobs, mainly in Clinton and Highland Counties in my district.

As a result, the Ohio delegation has sought increased Federal assistance to help the community as they recover from this economic emergency. The Ohio delegation has been successful in acquiring Federal dollars to help retrain former DHL employees and also help to create an economic development plan to move the community forward with possession of the Wilmington Airpark. Additionally, I have sought congressional earmarked funding for Wilmington projects which are needed, especially given their special economic circumstances.

The 91-year-old Murphy Theatre in Wilmington, Ohio, is both a local landmark and a community center that still hosts a wide range of events. The Murphy Theatre, which opened in 1918, was placed on the National Register in 1982, and the Murphy Theatre soon became the actual, as well as symbolic, heart of the downtown. The Murphy even hosted a John Philip Sousa concert. Today the Murphy Theatre hosts an average of 35 events a year, serving approximately 6,000 adults and 4,000 children.

Funding for this project will provide critical infrastructure assistance to ensure the viability of this local landmark. In addition to air conditioning and heating replacement, the Murphy Theatre needs roof repair, new auditorium seating, and interior plasterwork repairs from damage sustained from the leaky roof.

Wilmington hasn't the funds to perform even basic repairs to stabilize the condition of this American landmark. This funding request is vital to protect a historic treasure and also to ensure that it continues to meet strong local demand as a community center for entertainment and town activities.

Mr. Chair, I submit for the RECORD copies of letters in support of the project from David Raizk, the mayor of Wilmington; Randy Riley, a Clinton County commissioner; and Donny Mongold, the president of the Murphy board of trustees.

THE CITY OF WILMINGTON,  
Wilmington, Ohio, July 22, 2009.

Re Murphy Theatre Restoration Assistance—\$250,000.

HON. MICHAEL TURNER,  
Longworth House Office Building,  
Washington, DC.

DEAR CONGRESSMAN TURNER: I am writing today in support of a federal appropriation for \$250,000 for the Murphy Theatre in Wil-

ington, Ohio. For many years the historic Murphy Theatre has struggled with the need to replace the HVAC system and restore the building to modern standards. The Murphy Theatre Board has done an excellent job at maintaining the facility but are now at a point where major renovations must occur. In the heart of the downtown business district, the Murphy Theatre is one of our anchor businesses. This funding will make it possible for the Murphy to serve that key role for many generations to come and will help keep the heart of downtown Wilmington vibrant for our citizens, visitors, and other businesses.

Sincerely yours,

DAVID L. RAIZK,  
Mayor.

CLINTON COUNTY COMMISSIONER,  
Wilmington, Ohio, July 22, 2009.

HON. MICHAEL TURNER,  
Longworth House Office Building,  
Washington, DC.

CONGRESSMAN TURNER: Thank you for all you do for our community and especially for the work you are doing to obtain funding for the Murphy Theatre in downtown Wilmington.

As you are aware, this classic old theatre is a central fixture in our community. We see the Murphy Theatre as the centerpiece in the redevelopment of our downtown core.

Unfortunately, because of the lack of air conditioning it is often impossible to use the theatre in the summer and, with the old system, it is very expensive to heat the building in the winter.

With your help and with the assistance of others in congress, we can solve this problem by allocating funds to fix the heating and air conditioning system in this beautiful, old theatre.

Preserving this historical theatre and improving it for continued community use is a very appropriate use of the \$250,000 appropriation.

As always, please do not hesitate to contact me for more information on this outstanding project.

Sincerely,

RANDY RILEY,  
Commissioner.

THE MURPHY THEATRE,  
Wilmington, Ohio, July 22, 2009.

MR. JOE HEATON,  
Washington, DC.

DEAR MR. HEATON: The Murphy Theatre has been a historic icon of our City since being built in 1918. Many decades of folks have visited our theatre to watch movies, catch a live stage performance, hold an important community meeting, watch or participate in our annual Murphy community Christmas show or watch a county school musical performance.

This beautiful Murphy Theatre is a vital part of our community. We would like for future generations to enjoy the theatre as well as the history which accompanies it.

The boiler system which heats the Murphy is some fifty plus years old. It is old and unreliable, not to mention the high cost to operate and maintain this worn out system. We are in need of a new efficient updated heating and air system. Our survival depends on replacing this boiler as well as needing other capital improvements (i.e.; roof repair).

I respectfully request and highly support funding to help us keep this vital historic icon alive and well in our community for decades to come.

Thank you,

Sincerely,

DANNY W. MONGOLD,  
President, Murphy Board of Trustees.

Mr. Chair, this amendment by Mr. FLAKE will not save one Federal dime.

This community will lose important funding to support a local landmark while they recover from the loss of over 8,000 jobs.

Mr. LATOURETTE. I reserve the balance of my time.

Mr. FLAKE. I thank the Chair. I thank the gentleman for that explanation. That sounds like a wonderful theater. As I mentioned, I think we all have them in our districts.

My own hometown of Mesa a few years ago decided to construct a theater, and it was a hard-fought process to get the local residents to tax themselves to build this particular theater. That's as it should be. If the community feels that it needs a theater and it needs to renovate a theater, I think it falls on the local residents to decide, because they are the ones, frankly, that benefit from that.

But we can't have a policy at the Federal level where we renovate every theater across the country, particularly while we're running a deficit that could hit \$2 trillion this year. How many theaters out there are in need of repair? How many districts are experiencing high unemployment? I can tell you mine is. All of them out there are.

□ 1600

At some point I think we have to decide that perhaps we can't fully fund this account, which is for economic development initiatives. Now, I won't make the case at all that this theater doesn't fall within the purview of this program. There is nothing that could possibly not fall under the purview of economic development initiatives. Whenever you spend money anywhere, there is some economic benefit, if only fleeting. So it fits well within the program, but I think it behooves us now to say you know, maybe we ought to forego that. Maybe we ought to decide we ought to change the 301(b)s and the 302(a)s and all of the numbers so we do save money on this, so we do actually spend less this year than we did last year, perhaps, because we're spending it elsewhere.

We cannot continue to spend money as we're spending money, and I would submit this is a good place to start to say let's not fund some of these renovations of theaters under the guise of economic development that clearly anything could fall under and virtually every district around the country could claim that they need. But we just can't decide here in Congress we're going to fund that one and that one but not that one. It doesn't make sense to do it that way.

Mr. LATOURETTE. Can I ask how much time I have?

The CHAIR. The gentleman from Ohio has 2½ minutes remaining.

Mr. LATOURETTE. Let me just say, the gentleman from Arizona, his amendment in this case is misguided and it, in my mind, exercises judgment that I hope not many in this House agree with.

Mr. TURNER has stated the case. You know, this business about the local

residents taxing themselves to build the theater. The local residents of Wilmington, Ohio, don't have jobs anymore. DHL pulled out in a town of, I think, 15,000; 8,000 of them lost their jobs. What are they supposed to tax?

And also, if we are supposed to be elected—each of us represented by the 700,000 people, well, then what are we doing here? Why don't we just hand off the entire Federal budget and all of the decisions to the President of the United States and his functionaries? Why do we have a legislative branch? We have a legislative branch because we do have the power of the purse, and we are local representatives closest to the people that get put on the ballot every 2 years, the shortest term in the United States Constitution, so people could keep an eye on us, and if they don't like us, throw us out.

Well, MIKE TURNER is supposed to stand up for the people in Wilmington, and the biggest need that he's found in Wilmington to fit this bill is to renovate this theater, which he has described as the heart and soul of Wilmington, Ohio, which has had its guts ripped out by this economy. High school graduations take place in this theater. It is a meeting place. The center of town. And if the duly elected representative to the United States House of Representatives from that area says that this is a need in this district, then by God, he should do it and the Constitution authorizes it.

I urge a defeat of the amendment.

I yield back.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 7 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 7 in part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 7 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds provided in this Act under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" shall be available for the construction of the Triangle Building by Alianza Dominicana, Inc., in New York, New York, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Economic Development Initiative grants in the second paragraph under such heading) are each hereby reduced by \$250,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona

(Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair.

Let me just comment on the last amendment that was offered. The gentleman mentioned that every Member here represents their own district, and they should advocate for their own district. Pretty soon, if that's the only standard we had, parochial interests would completely take over.

It's like the debate we're having right now on the F-22 or on military base closures. Virtually every Member here has a military base in their district. That's why we had to, through the military base commissions, take that out of the hands of Members, because we simply couldn't shut down military bases when we needed to because there is a process called "log rolling" in this case, where if you get some money for a theater in your district, I'll take money for a baseball field in mine. You won't challenge my spending, and I won't challenge yours.

That happens all too frequently in this case, and that's why you would hope that you have enough people who say, You know, I could get money for a baseball field in my district, but by golly, that will make us run a deficit that we can't sustain over time. And that's why I would hope that you would have people here to make decisions and say we can't fund every district in the country. So maybe we shouldn't have an account that allows Members to simply earmark wherever they will.

I would submit that that applies to this as well. This amendment would prohibit a quarter of a million dollars from going to Alianza Dominicana, Incorporated, for a construction of a new headquarters in Manhattan. According to the sponsor, these funds would be for a capital grant toward the development of the Triangle Bridge, which is a 48,000, six-story mixed use development currently being constructed that will house for-profit business and nonprofit community services.

I reserve the balance of my time.

Mr. RANGEL. I rise to claim the time in opposition.

The CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. RANGEL. Thank you, Mr. Chairman.

Well, judging what the attitude of the gentleman from Arizona believes is national, Federal, or something that should make us proud, I am a little reluctant to debate with him because he has a different idea than I and other Members have.

But I can tell you this: That in the great City of New York, we had immigrants come from all over the world. We have Chinatown, we have Little Italy, we have the Lower East Side, we have the Jewish community. But we also have a place called Washington Heights, and in my opinion, that's where the Statue of Liberty should be, because so many groups came there,

raised their kids there and moved to other parts of the city and the country: the Irish, the Italians, Jews, Catholics. But somehow the Dominican Republic is the last one that's had its people come to New York and to America for a better way of life. Unlike most ethnic groups, they didn't have their own Murphy theater, they didn't have a place to go to. They didn't have museums, they didn't have a cultural center. And so it was the community that got together with the not-for-profits. We went to our mayor, we went to our governor, and they came to me. So it was the city, the State and the Federal Government that said, We should anchor a place of culture where kids can go after school, where we have sports, gymnasiums, poets, health care, and some place where the Dominicans can say that in a great country and in a great city and in a great community, they had a place anchored.

So they brought all of these not-for-profits together. We were able to raise money from the private sector, the property was given to us by the city, and we were very, very excited and hoped there would be a place where every Member of Congress, when they have a chance to visit the great city of New York, will say, Show me your city. And we'll take you straight to Alianza Dominicana, and show you that this is the quality of beauty, of culture, that we would hope that you would enjoy as we have so many other centers and museums that we would attempt to show off.

I would want my country and this Congress to be a part of that, and that's why I proudly support this allocation for that purpose.

I reserve the balance of my time.

Mr. FLAKE. I thank the sponsor of the earmark.

But let me just say the problem with accounts like this, these economic development initiatives, as I said, is a catch-all term and it seems to act as an account that Members can simply earmark. But here's what happens with the earmarking process. We're told in very highfalutin terms all the time about how Members of Congress know their districts better than those darn bureaucrats over in the agencies. And I can show you here what happens when you have that attitude. Apparently, only the powerful Members in this body—either those who are on the Appropriations Committee, which makes up 14 percent of this body, just under 14 percent, or if you include chairmen and ranking minority members—powerful committees in leadership. That takes it up to just under 24 percent.

But if you look here, here's the appropriations process this year. We have the numbers for all of the bills now, finishing with defense.

But if you look here in virtually every case, that small percentage of under 25 percent takes the bulk—in some cases, in some bills up to 70 percent—of the dollar value of the earmarks.

And so this notion that Members know their districts best, that those halfwit bureaucrats, they don't know what they're doing so we have to earmark those funds because they won't allocate them on the basis of merit, well, this is what occurs. This is what—I don't know how else to refer to it—but a spoil system where the Appropriations Committee and other powerful Members say this is where the dollar should go.

In this bill, I would commend those involved in this bill, 24 percent of the body is only taking 46 percent of the dollar value of the earmarks. That's the lowest total in any of the bills that we've dealt with this year. Next week we will be dealing with the defense, where we will be up to 58 percent.

So before we believe the rhetoric, it's just the Members working their will here and every Member has a right to represent their district, somebody would have to explain why certain Members get to represent their districts so much better than other Members year in and year out.

Again, as I said, if we don't like how the agencies distribute this money, we should tell them they have to change it. But we can't simply run a parallel program and say, All right. We're going to earmark these dollars. And in this case, it sounds like a wonderful program in New York. I'm not questioning the merits of it at all. I'm questioning why we're doing it by earmark. Why doesn't that program, those involved couldn't apply for the money and compete against those from across the country who are doing the same, instead of going to a powerful Member and saying, Here, will you earmark those dollars for us.

In many cases—it's not the case in this case—but in many cases, you have competitive accounts and people will apply for a grant and not receive it on a competitive basis. Those that are involved will say it doesn't have the merit that others do. So then they will go to their Member and say, Earmark these dollars. And we have some cases—not in this bill—but some cases where the Member will earmark and go around the system that we have told the agencies to create.

So, again, if we don't like how the agencies are doing it, let's change it. Let's not run a parallel system like that.

I reserve the balance of my time.

Mr. RANGEL. I object to the amendment, and I yield back the balance of my time.

Mr. FLAKE. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the

amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 8 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk, Mr. Chairman, designated as No. 8 of part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 8 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds provided in this Act under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" shall be available for the renovation of a vacant building for economic development by the City of Jal, New Mexico, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Economic Development Initiative grants in the second paragraph under such heading) are each hereby reduced by \$400,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit funding for the City of Jal, New Mexico, for use in renovating a vacant building and reduce the cost of the bill by a commensurate amount.

According to the sponsor's Web site, the building would be renovated with funds in this bill. The building that would be renovated is a former site of a junior high school which has sat vacant for a number of years.

The purpose of the project is to replace the building's roof, windows, doors, and upgrade its plumbing and electrical systems in order to attract a private buyer. However, the sponsor's description of the earmark says the city already has a buyer in mind—Louisiana Energy Services, which already has declined to purchase the old school due to its condition.

I reserve the balance of my time.

Mr. TEAGUE. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from New Mexico is recognized for 5 minutes.

Mr. TEAGUE. Mr. Chairman, I would like to thank the distinguished chairman of the Appropriations subcommittee for yielding to me and for working with me to invest in important projects in my congressional district.

I rise today in opposition to the amendment that has been offered by my colleague from Arizona. The amendment would strike an appropriation of funds from the Economic Development Initiative at HUD that I worked with my friend, the chairman of the subcommittee, to secure for the community of Jal, New Mexico.

Although I'm opposed to the amendment, I am pleased that the gentleman

from Arizona has decided to offer it. The fact that he can and does offer amendments like this, brings the focus of the House and the Nation on certain projects, is exactly why this process has integrity. And it's why I feel comfortable participating in it for the benefit of my constituents in places like Jal, New Mexico.

□ 1615

I am happy to defend and debate the merits of this project, and I look forward to convincing a majority of my colleagues that this amendment should be defeated.

Mr. Chairman, Jal, New Mexico, is tucked into the southeast corner of my State and my congressional district. In fact, if it weren't for 5 miles and the grace of God, Jal would be sitting in Texas. It's a long way from pretty much everything, a long way from the Finance Committee of the State legislature in Santa Fe, and it's even farther from the faceless bureaucrats who staff the Federal agencies in Washington, D.C.

If not for Jal's elected representation in Congress, no one in this town would likely ever know the name of the place, or that it existed at all. Mr. Chairman, that's my job, to put Jal on the map, to know the priorities and the needs of communities like Jal and to work to address them. If there is a problem in my district, it is my job to get to work solving it.

So here is Jal's problem: the city of Jal owns the Burke Junior High School building, which is a 40,000-square-foot building that was utilized from 1968 to 1986 as the Jal Middle School. The building has now been vacant for a number of years, and for the facility to be put to use again, the city would need to replace the building's roof, doors, windows and a complete upgrade of plumbing and electrical systems.

This is what the EDI appropriation will fund. With the renovation of the building, the city of Jal hopes to attract private industry to town. Having a tenant in the building will create jobs in Jal and increase the town's tax base. Projects like this are exactly why the Economic Development Initiative was legislated in the first place, and I'm proud to have sponsored this appropriation for Jal.

Mr. Chairman, I'm not going to stand by and hope that some faceless bureaucrat looks kindly upon a place like Jal. I know the community's needs. I know the problems. I was elected to stand up for places like Jal, New Mexico, not hope that someone else does. Again, I thank the gentleman from the Arizona for his principled and important participation in this process. I urge my colleagues to reject this amendment.

I reserve the balance of my time.

Mr. FLAKE. I should mention that this money is going to be used to renovate this building. The sponsor already has a buyer in mind. I mentioned Louisiana Energy Services, which already declined to purchase the old

school due to its condition. LES is a subsidiary of URENCO, which is a global nuclear fuel company and currently holds approximately one-quarter of the world's share of uranium enrichment services. According to the Web site, LES is working toward constructing the first-ever centrifuge enrichment facility in the U.S., which would be based just a few miles from Jal. The hope is, apparently, to renovate this facility and then get this company to buy it. Now that is economic development, I grant you, certainly, and then the proceeds apparently would go to the city.

But that's just saying that we ought to give \$400,000 to the city, apparently. This isn't going to be used for a public purpose. It's being sold off to a private company. Now, every city in this country is hurting financially. I think we have established that. But here we had it raised again that we are not going to rely on some faceless bureaucrat. I'd forgotten the term always used, not "feckless" or "hapless," but "faceless" bureaucrats. It seems strange to me that we won't trust these faceless bureaucrats to distribute earmarks or distribute Federal funding, but we will trust them with health care.

In the context of this debate, that's what seemed odd to me. But given that, simply, if we don't like the way they're distributing money, and we believe that this money should be distributed, and I would question that, I would question the existence of this Economic Development Initiative money that we have here, we probably ought to get rid of it completely given the dire straits we are in financially as a Federal Government.

But if we're going to have it, then we ought to ensure that the agencies set up a program by which every jurisdiction in this country has an equal opportunity to compete, and not just individual Members of Congress, and as I explained before, in particular, powerful members on the Appropriations Committee or those in powerful leadership positions. That's not the way to distribute taxpayer money in this regard.

With that, I reserve.

Mr. TEAGUE. I thank the gentleman for his concerns. LES is a uranium enrichment facility that currently employs about 2,000 people in the Eunice-Hobbs-Jal area. It's a major employer and one of the biggest employers in the area. The building and operation of the LES plant is now about a \$4 billion project, so its operations and its impact extend across a few different communities in the area.

It's my understanding that Jal would like to attract LES to town, possibly making use of the renovated Burke school. However, the renovated school would be open for use by any number of companies. This appropriation is a fine example of the community using the EDI program to attract private investment.

I reserve my time.

Mr. FLAKE. How much time is remaining?

The CHAIR. The gentleman has 2 minutes remaining, and the gentleman from New Mexico has 30 seconds remaining. The gentleman from Arizona has the right to close.

Mr. FLAKE. Again I would say, what the Web site says is that the buyer is likely to be this company, LES, a subsidiary of URENCO; and that's fine. But we might as well be giving them the \$400,000 and allowing them to renovate it and then purchasing it, or giving the city that much. And that's fine if that's what we decide to do. But this is no way to distribute these kinds of moneys. This is no way to run a program.

I would submit that when you have a deficit that may hit \$2 trillion this year, at some point, somewhere, sometime this body has to say enough is enough. And if we can't keep a half million dollars from going to a program like this, where are we going to start? Where are we going to say enough is enough? Where are we going to say, we are going to get this deficit under control and we are really going to go after entitlement suspending now? If we can't do it here, where can we do it?

With that, I reserve.

Mr. TEAGUE. Once again, I appreciate the concerns of my colleague from Arizona, and I would just ask my colleagues to vote in support of Jal and all small communities in New Mexico and vote against this amendment.

I yield back my time.

Mr. FLAKE. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 9 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk designated as No. 9 in part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 9 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds provided in this Act under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" shall be available for the Monroe County Farmer's Market facility construction project of the Monroe County Fiscal Court, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Economic Development Initiative grants in the second paragraph under such heading) are each hereby reduced by \$250,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona

(Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit a quarter of a million dollars in funding for the Monroe County Farmers' Market facility construction and would reduce the cost of the bill by a commensurate amount. The sponsor of this earmark says in his Web site that "these funds will be used to construct a new market facility that will promote economic development and provide added benefits to the local community."

Farming is an important component of Kentucky's economy. According to the Kentucky Department of Agriculture, Kentucky farmers sold nearly \$5 billion worth of farm products in 2007 alone. Given the number of farmers' markets throughout the State, that is not too surprising. The Department of Agriculture's Web site shows that there are more than 100 farmers' markets currently up and running in the Commonwealth of Kentucky. Nearly 200 vendors participated in these markets in 2008. Farmers' markets in Kentucky appear to be both successful and profitable.

So my question is why are we saddling the taxpayers with a bill for construction of one more farmers' market? I have no doubt that this farmers' market in Kentucky has seen a drop in business as a result of the economy. Virtually every business across this country has. I also think that we could find that these earmarks do benefit the agricultural community there. That isn't any doubt.

The question again here is how do we choose? And why do we say, all right, we're going to aid this one but not another one? And in particular at a time like this, why are we taking money from the taxpayers and then distributing it out as we see fit, rather than allowing them to keep it themselves?

With that, I reserve.

Mr. LATHAM. I claim the time in opposition.

The CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I would like to recognize the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I thank the gentleman for yielding. I rise to, not surprisingly, oppose this amendment from the gentleman of Arizona. And I might say to him that we all appreciate his concern, his dedication and his commitment to fiscal responsibility. But I would also say that even if we eliminated all earmarks of the legislative branch, it still would not make any dent at all in our deficit and debt in this country.

And so I would ask the gentleman and simply suggest that let's look at some more meaningful ways to deal with this issue. For example, I think most Members would agree with you that the vast majority of earmarks do probably go to appropriators rather

than nonappropriators. And I think many Members would be willing to join you in an effort to try to change the House rules in some way and maybe deal with that issue. I might also say that under the PAYGO rules of this Congress and the last Congress, the 110th Congress, they waived PAYGO rules enough times that the amount that they waived was \$450 billion.

So I would ask the gentleman to join me in a resolution that I introduced yesterday to simply say that if the PAYGO rules are waived, that any Member of Congress has a right to raise a point of order and have a vote on the waiving of the PAYGO rules. I think those are two ways to more substantively address your concerns.

As far as Monroe County, Kentucky, let me just say this: Monroe County, Kentucky, is a county of 11,000 people located in south central Kentucky. It is primarily economically driven by agriculture and the textile industry, except the textile industry has closed down over the last 10 years or so. The unemployment rate in Monroe County right now is 15 percent. The most important economic engine in Monroe County is agriculture. And that's why I requested, at the request of the county judge and the fiscal court and the mayor of the community coming to me and asked for \$250,000, to develop this farmers' exchange facility to help the economic development in that area.

I might also point out that on September 16, 2008, the chairman of the House Transportation and Infrastructure Committee, JAMES OBERSTAR, and U.S. Delegate ELEANOR HOLMES NORTON presented a \$2 million EDA investment check to the Government of the District of Columbia to help restore and upgrade the historic Eastern Market where farmers bring their goods and people buy and sell them.

Now Monroe County does not have access to high-priced lobbyists. There's not a lot of influence in Monroe County. So when they came to me—and I don't get that many earmarks—I simply felt it was the proper thing to do, to help this community overcome its high unemployment, to try to stimulate the economy in a small way and to help the farmers in that area. So I would urge and request that the Members vote to defeat the gentleman from Arizona's amendment.

Mr. LATHAM. I reserve the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining?

The CHAIR. The gentleman from Arizona has 4½ minutes remaining. The gentleman from Iowa has 1 minute.

Mr. FLAKE. I'll make a note before I yield to the gentleman from Utah. I recall that Eastern Market earmark for D.C., and I challenged that one as well. We shouldn't have distributed that money either.

I yield 1½ minutes to the gentleman from Utah.

Mr. CHAFFETZ. With all due respect to my colleague, I'm sure that the peo-

ple of Monroe County are wonderful, beautiful people, and I wish them nothing but the best. But to suggest that \$250,000 doesn't matter is fundamentally what is absolutely totally wrong with this institution. We are \$12 trillion in debt. We are spending \$600 million a day in interest, and the people of Utah and the people of Florida and the people of Michigan should not pay to try to build up another Monroe County Farmers' Market.

I opposed a parking lot, a \$750,000 appropriation, for the city of Provo in my district because I do not believe it's the fundamental and proper role of government to try to transfer a group of shoppers from one mall to another mall. I opposed in Utah a million-dollar expenditure for the Shakespeare Festival because they wanted a new lighting system. This is what is wrong with America.

□ 1630

We have to say no to something. If we can't say no to a farmers market, what in the world are we going to say no to? Time after time after time the gentleman from Arizona has identified projects that fundamentally have absolutely no, no Federal nexus. When is this body going to stand up and take a stand and say, It's not our money; it's the people's money? And we should not be spending Federal taxpayer dollars on another farmers market if it's in my district, if it's in Kentucky, no matter where it is.

Mr. LATHAM. I will yield the balance of my time to a colleague from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Look, ED WHITFIELD has been in this House since 1995. He knows his district better than anybody that has spoken on this amendment, and he's described a need in his area. And I would just suggest that if this earmark thing was such a great idea and it really captured the hearts and minds of the American people and would do anything to reduce spending in a significant way, JOHN MCCAIN would be President of the United States today and we would have had a different budget resolution. We would have had different 302(b) allocations.

But again, to deny a Member of Congress the opportunity to identify districts—and I'm not going to say faceless bureaucrats because I'm with the gentleman from Arizona about this health care business. That's a non-starter for me. But I will tell you that to basically say we're not going to spend the money, we're going to punt, we're not going to do our jobs and represent other people and we're going to let President Obama and his team spend all the dough, it's just wrong.

I urge defeat of the amendment.

Mr. FLAKE. The gentleman from Kentucky makes a wonderful point about overall spending. Earmarks represent a small portion of Federal spending, a very small portion. The problem is, as my colleague in the Sen-

ate Dr. COBURN calls them, the gateway drug to spending addiction. And the problem with earmarks is that when you load them up in bills, you will support bills, both the majority and the minority, that you would in no other case support.

Now, take for example, in 2005, we reauthorized the highway bill. In that bill, it was a \$285 billion multiyear authorization. We knew because the chairman of the Appropriations Committee stood up at that time and said, We don't have the money in this bill to fund what is being authorized. We're going to run short. Sure enough, we've run short. We had to transfer \$8 billion into that bill just a while ago. We were asked to transfer another \$6 billion, and there will be more and more.

But you know why that bill passed when everybody in this body knew that we were spending money we didn't have? Because it had 6,300 earmarks in it, and nearly every Member of this body had some. And they knew that if they didn't support it, they might get their earmarks yanked out when it went to conference. That's the problem with this body, and that's the problem with earmarks.

Earmarks are much greater than the sum of their parts. They force you to support bills you would in no other case support simply because you've got your earmarks in and you have to support that bill. And so, that's the problem here.

And then year after year, we say, "Well, they're only a small part, and if we cut funding for this earmark, it won't cut funding for the bill. It will just go somewhere else," when we could, if we wanted to, simply lower the allocation for the bill by the amount that the earmarks represent. But we don't do that so we can use the excuse later that we can't get rid of these earmarks because it won't save any money.

Well, I don't think the people across the country are buying that. They've heard that song too much. We'll have a deficit this year that might approach \$2 trillion. We need to start somewhere, and I would suggest we start here.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 10 OFFERED BY MR.

FLAKE

Mr. FLAKE. I have an amendment at the desk designated as number 10 in part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 10 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds provided in this Act under the heading "Federal Highway Administration—Surface Transportation Priorities" shall be available for the Millennium Technology Park project in New Castle, Pennsylvania, and the amount otherwise provided under such heading is hereby reduced by \$500,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit the use of \$500,000 for the Millennium Technology Park in New Castle, Pennsylvania, and would reduce the spending in the bill by the same amount.

According to the sponsor's Web site, the money would be used to design and construct the Millennium Technology Park, on which ground was broken in 2006. The technology park was initiated by the Lawrence County Economic Development Corporation to create "new advanced job opportunities by providing small to large forward-thinking companies with prepermitted, shovel-ready sites."

With that, I reserve the balance of my time.

Mr. ALTMIRE. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. ALTMIRE. I thank the gentleman from Arizona for allowing me the opportunity to come to the floor and discuss a project in my district that I'm very proud of. This is a project that is on a border area between Ohio and Pennsylvania.

The service region for the project, the coverage area for the employment base, and the economic development opportunity spans nine counties in two different States. And it's in an area of the country that has suffered greatly with the loss of manufacturing jobs over the past several decades, and it's in an area of the country that's trying to retool itself and trying to gain traction with economic development activities, especially in high tech fields, high technology manufacturing.

It's in an area where there used to be heavy manufacturing, an industrial site that has been reconfigured to play the role now across nine counties of job growth. It's expected that when this project is completed, it's going to create 2,500 jobs, and the money that we're directing towards that project through this bill isn't in the absence of community support. We have generated 18.7 million through the State of Pennsylvania and through local community sources to fund this project.

This is a project that's ongoing. As the gentleman from Arizona points out, it was initiated in 2006, and the \$500,000 that we're talking about today

specifically goes towards access roads. And the Federal Government, as the gentleman knows, does play a role in transportation funding. That's what this bill is all about.

So we're talking about a continuation of a project that was initiated 3 years ago, that's going to create 2,500 jobs, that's going to serve nine counties across three States, and that's going to help continue the rebirth of a region in the country that has suffered. I can think of no better way to spend transportation money than on a project of this sort.

And I reserve the balance of my time.

Mr. FLAKE. Again, we have here, this is money going to a technology park. Where in the world is the Federal nexus there, I would ask. Why is it that we're being asked, as taxpayers in California and New Mexico, Arizona, New York, to pay for a technology park to attract businesses in Pennsylvania? Under that kind of rubric, what wouldn't qualify for money? Why wouldn't we just scatter money all over? Apparently we have, with a \$2 trillion deficit, but we can't continue to do that.

One thing that these technology parks and money for them typically does, they're usually called new business incubators, and what they turn out to be incubators of is earmarks. In fact, this very project received a \$500,000 earmark 2 years ago, and my bet is that next year, or the year after or so, there will be another earmark for the same project because you can never have enough business for a district. No Member of Congress will ever take the podium and say, Hey, I've got too much business in my district. We don't need to construct another technology park. We can't use another earmark. Please, no more.

It's going to continue to go and go and go. But where do we stop? Where do we say enough is enough? We can't continue to put out money this way.

I reserve the balance of my time.

Mr. ALTMIRE. I would say in response to the gentleman from Arizona, the funding that we're talking about, again, is transportation funding, and it's going to build access roads. The funding for the technology park, 18.7 million, has already gone towards the park itself. We're talking about the transportation component of that to build the roads.

And before I yield to the chairman of the committee, what I will say is the gentleman holds up the chart that talks about the earmarks that go to appropriators and people who've been in this House a long time. Well, look, I'm a second-term Member. I'm not an appropriator, and I'm not a chairman of a high-level committee, but I was elected to represent the Fourth Congressional District of Pennsylvania. I was elected to survey the need and to do everything I can to fight for my constituents and to fight for my district.

And despite the fact that I'm not a chairman, despite the fact that I'm not

on one of the exclusive committees, I was able to convince the committee to put this money in because this is a good use of taxpayer funding. This is going to create jobs. This is going to grow the economy in two States across nine counties.

And I would yield the remainder of my time to Chairman OLVER.

Mr. OLVER. I thank the gentleman for yielding, and I thank you for your careful defense of the job that you do as a Representative there for New Castle, Pennsylvania.

I asked for the time because just a few minutes ago the gentleman from Arizona had spoken about the distribution of earmarks and how it seems to favor certain Members or committees, and I wandered over to see, and I suspect that I and my ranking member are in trouble for the nature of that chart.

But, as a part of your argument, the gentleman's argument, the gentleman mentioned that maybe the Federal agencies can do a better job of distributing funding more equitably. However, one really ought to look a little bit at what has been the historical record and some fairly recent historical record.

In fiscal 2007, we included no earmarks in this bill.

The CHAIR. The time of the gentleman has expired.

Mr. FLAKE. May I inquire as to the time remaining?

The CHAIR. The gentleman from Arizona has 2½ minutes.

Mr. FLAKE. I yield 30 seconds to the gentleman to finish his thought.

Mr. OLVER. I thank the gentleman. That was very kind of you.

In fiscal 2007, we included no earmarks in this bill and gave complete discretion to the Secretary of Transportation. Remember, that was the year that the majority tipped, but we still had the previous President in place. The result of that was that the Secretary of Transportation distributed over \$1 billion of discretionary money to five cities, to five places, five single places.

Mr. FLAKE. I thank the gentleman for making that point, and I have no grief for faceless bureaucrats, believe me. I don't want them running my health care. But if we don't like the way they're doing things, let's change it. Let's not appropriate the money.

Frankly, this account from which these funds are drawn probably, in my view, should not exist. I mean, economic development initiatives? You can fit anything under that. And it's just an excuse to give out money here from Congress or let the bureaucrats do it.

I'm not saying that we should give all of our money there and say don't do it. If we don't like the way they do it, then set up a structure and say, You have to do it by merit. And if we don't like the way you've distributed it the following year and we can prove that you did it on a basis that is not equitable, then we cut your funding completely the next year.

That's what our purview is, not to say we don't like the way you do it so we're going to set up a system by which the appropriators take upwards of a low of 46 percent, appropriators and powerful Members, when they represent only 24 percent of the body, and a higher limit of 70 percent.

Mr. OLVER. Would the gentleman yield another 30 seconds?

Mr. FLAKE. Fifteen.

Mr. OLVER. Well, if the gentleman would place all the earmarks funded in this bill in '08 or '09 on a map and show where those had actually gone, you'd find that the earmarks have been spread much more widely, much more evenly among all 50 States and the territories than you would find by the bureaucrats.

Mr. FLAKE. He makes the point exactly. We shouldn't appropriate this money at all. This money for economic development should stay in the hands of small business before it's taxed and let them do with it as they will: cut their payroll tax, cut something else, leave it with them. Don't take it and then distribute it by means of congressional earmark or Federal bureaucrat fiat. I'm saying don't spend it that way. But if we don't like how they do it, let's not create a parallel program that is just as inequitable.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

□ 1645

PART B AMENDMENT NO. 11 OFFERED BY MR.  
FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk, a final amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 11 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds provided in this Act under the heading "Federal Highway Administration—Surface Transportation Priorities" shall be available for the reconstruction of Rib Mountain in Wisconsin, and the amount otherwise provided under such heading is hereby reduced by \$500,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would remove \$500,000 in funding for the reconstruction of Rib

Mountain Drive in Wisconsin, and it would reduce the cost of the bill by a commensurate amount.

I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I reserve the balance of my time.

The CHAIR. The gentleman from Wisconsin has the right to close.

Mr. FLAKE. Mr. Chairman, doesn't the sponsor of the amendment have the right to close?

The CHAIR. A member of the Appropriations Committee, if in opposition to an amendment, has the right to close.

Mr. FLAKE. Oh, okay. All right. I should have known.

According to the sponsor of this earmark, the funds would go for additional turn lanes, signals and a sidewalk on Rib Mountain Drive. The certification letter for this earmark refers to this particular stretch of road as the "primary roadway in a commercial district," and it says that the project will "enhance both safety and efficiency."

I have no doubt that it will do this. I have no doubt, but my understanding is that the State of Wisconsin has a program where they grant funding for programs like this, for projects like this on a priority basis. Apparently, the State of Wisconsin didn't see this as a priority or they would have funded it, or perhaps they did, but in realizing there was a powerful Member here in Congress, felt they didn't have to because the Federal taxpayer could pick up the tab.

So, here again, why are we paying for a roadway that doesn't serve an interstate purpose? This is not part of the Interstate Highway System. Again, here, it's a parochial interest, and I understand that, and the Member will advocate fiercely for it and for his right to get that earmark. Certainly, the Member, my good friend from Wisconsin, is in a position to do that. The question is why. Why do we continue with a program like this?

Let me show you this chart again. Here is the appropriations chart for this year. We have all of the legislation that we have considered so far. We have just shy of 24 percent of the Members of the House. This includes the appropriators, who make up between 13 and 14 percent. The leadership Members and ranking minority members and chairmen of committees get a low of 46 percent in this bill and a high of 70 percent in the Financial Services bill.

This seems to be a pattern, and it's a pattern that stretches beyond. Last year, I think there were similar spoils here. I understand that. Members, when they're here longer, apparently understand their districts better than Members who haven't been here as long, but it begs the question: Why do

we continue to do this? I always appreciate when the chairman stands and says that earmarks grew under Republican rule. They did, and that's something that will haunt us, I think, forever, and as Republicans, it should. The chairman also says, when he was chairman of the Appropriations Committee prior to the Republicans' taking over in '94, there were no earmarks whatsoever in the Labor-HHS bill, not one earmark. Tomorrow, we'll consider that bill. I think there are well over 1,000 earmarks in that bill. There are over 1,000 earmarks in the bill today. There are well over 1,000 earmarks in the defense bill that we'll consider later next week.

Just because Republicans ramped it up doesn't mean the Democrats have to continue it this way. Some will make the case that we've cut down the number and the dollar value. That's a good thing. Yet, when you go from zero and say with pride "there were no earmarks when I chaired the committee before, and now there are only 1,000, and we should feel good about that," there's something wrong with this picture.

Again, it's not just the money and the earmarks. It's not just that we're spending on a local transportation project that should be funded locally. It's that, when you get earmarks like this in a bill and when you include 1,000 of them, you gather support for a bill that, in this case today, increases overall spending by 13 percent, I believe, over last year's bill. In a year when our deficit will approach \$2 trillion, we are here, saying that's okay. We'll have a big vote on this bill—Republicans and Democrats is my guess—largely because there are so many earmarks in this bill that people think "I've got a little piece of it, so I'm going to vote for the broader bill." That's what has driven up spending under Republicans and Democrats alike.

When we lard up these bills with earmarks and pet projects, we grease the skids for them to pass when we should stand up and say that we cannot sustain this level of spending. Again, it's not just a Democrat thing or a Republican thing. This body, as a whole, is guilty of it, but earmarks are a large part of that, and we have to recognize it. You can cloak it in whatever language you want with regard to "representing my constituents," but every constituent is out there, wanting money. I can tell you mine want to keep a lot more of theirs rather than send it to Washington so Washington can decide, well, I'm going to spend a little on a roadway in Wisconsin.

With that, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, the project under discussion is a transportation project, and this is a transportation bill. Until 10 years ago, my State, Wisconsin, was a donor State to highway trust funds, at one time getting just a 70-cents-on-the-dollar return on our Federal gas taxes. As a delegation, we

fought like the devil for over 30 years to turn that around. We finally have. Despite that fact and the changes we've been able to make, Wisconsin, along with other Great Lakes States, still rank way down the list—45th, 46th, 47th on its per capita return on Federal dollars.

In contrast, the gentleman's State, Arizona, does much better. Compared to Arizona, for example, Wisconsin receives about \$759 less from the Federal Government per capita. Arizona does very well, for instance, in Federal procurement dollars, getting about \$866 per capita more than Wisconsin. In grant programs, such as highway funds, Arizona gets about \$130 per capita more from the Federal Government than does Wisconsin.

When I came to Congress, Wisconsin had 10 Members in the House. Arizona, I believe, had 3. Arizona has had a huge growth in population during the subsequent 40 years, and it has been financed, in very large part, by Federal dollars. I don't remember how much the Central Arizona Project cost, but it was billions. I think what the gentleman is suggesting is, now that Arizona has got his, that he begrudges somebody else trying to get pennies by comparison.

Let me point out that, in this bill, Arizona gets \$13 million in earmark funds. He says that Wausau, the community where this highway is being repaired, is not on the interstate. Well, why on Earth should we confine Federal responsibility only to communities lucky enough to be on interstate roads? Why should we tell small rural towns, "Sorry. Go off in the corner. You don't have a right to participate in Federal support?"

With respect to this particular project, we are trying to help the community of Rib Mountain, part of the Wausau metropolitan area. We are trying to fix some problems on that heavily traveled and congested commercial corridor by adding turn lanes and a median traffic signal. On July 4, two 15-year-old girls were hospitalized by an accident in the very location where this road is to be modernized. I make no apology whatsoever for trying to improve that situation.

I would also point out, if you want to talk about me, the unemployment level right now in the Wausau area is well over 12 percent. The last time I checked, the unemployment level in Mesa was 7.3 percent.

The gentleman from Utah also was commenting on the previous earmark, complaining about that fund. The unemployment level in Utah is 5.9 percent, less than half of what it is in my community. I don't see why I should apologize for trying to get a few items for my district.

I would also note one other thing. If you want to talk about earmarks, as the gentleman knows, they make up less than 1 percent of the discretionary part of the Federal budget. I've never seen a Congress change any President's

budget by more than 3 percent. That 3 percent difference in congressional decisions versus Presidential decisions is the difference between having a President and having a King. I make no apology whatsoever for the Congress' trying to occasionally exercise its responsibilities in terms of the power of the purse.

I would also point out one other thing. If you take a look at the real cause of the deficit, the gentleman goes after these very small projects, and then suggests that they have a major impact on the deficit. I don't know where the gentleman was when the previous administration was turning \$6 trillion in projected surpluses into a \$1 trillion deficit. I don't know where the gentleman was when the administration was spending \$1 trillion on a misguided war in Iraq. Those are the items that raise the cost of government. Those are the items that add to the deficit. Those are the items that significantly add to the debt. I make no apology for this project in that context.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

It is now in order to consider amendments printed in part C of House Report 111-219.

PART C AMENDMENT NO. 3 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 3 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds provided in this Act under the heading "Department of Transportation—Federal Highway Administration—Federal-Aid Highways (Limitation on Obligations)" shall be available for the Doyle Drive Replacement project in San Francisco, California, and the amount otherwise provided under such heading is hereby reduced by \$2,000,000.

The CHAIR. Pursuant to House Resolution 669, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an amendment that would strike a \$2 million earmark requested by the Speaker of the House for the Doyle Drive Replacement Project in San Francisco. Apparently, this drive is owned and operated by the California Department of Transportation, known

as Caltrans, which acquired it in 1945 and which charges tolls from vehicles coming across the Golden Gate Bridge.

According to the Web site, the money, among other things, would be used to "raise the original profile of the southbound lanes to preserve the cultural landscape and retain the cultural relationship between the upper and lower portions of the Presidio."

It would "reconfigure the Girard Road interchange to preserve the Gorgas Avenue streetscape adjacent to the historic warehouses and to improve views to the Palace of Fine Arts."

Now, Mr. Chairman, I'm not here to tell you that all earmarks are bad. I'm not even here to tell you that somehow this is a bad use of somebody's money. I've never been a particular fan of the earmark system, but I don't come here to debate that today. I've heard a number of people say, "Well, relative to the Federal budget, this is kind of pennies and nickels." Well, yes, maybe it is. I hope, number one, I'm never in Congress so long that I consider \$2 million to be pennies and nickels, but if it is, you know, and if you don't start saving those pennies and nickels, how will you ever save the dollars?

Frankly, with the oppressive treatment we have at the Rules Committee, the amendments that Republicans would offer that would save billions of dollars somehow are never quite made in order.

So, Mr. Chairman, why is this important? I think it's important because we need to take stock of where we are as a nation. Since President Obama was elected, we have seen now the highest deficit we've ever seen in our Nation's history. It's over \$1 trillion. Mr. Chairman, it's on its way to \$1.8 trillion. That means, since the Democrats have taken control of this House, the Federal deficit has increased tenfold. The national debt is being tripled under their watch, under their budget—tripled—with more debt in the next 10 years than in the previous 220.

□ 1700

So, yes, maybe \$2 million is small relative to that, but Mr. Chairman, again, if you don't change the culture of spending, how are you ever going to change the spending?

And I wish the Speaker of the House was on the floor now. I would pose a question to her that I've posed before. Early in her career when she was in the minority, she said, It is just absolutely immoral, immoral for us to heap those deficits on our children. And so I would respectfully ask the Speaker of the House, if it's immoral to do it, why are you doing it? This is \$2 million, 2 million more dollars of deficit that, according to the Speaker of the House, is immoral.

The Speaker also has said, prior to becoming the Speaker of the House, I'd just as soon do away with all earmarks; you can't have Bridges to Nowhere for America's children to pay for. I would respectfully ask the Speaker of the House if she was on the floor

now, Madam Speaker, if you would just as soon do away with earmarks why don't you lead by example and quit asking for them?

It appears in this appropriations cycle that she has requested herself, or jointly with others, 30 earmarks worth \$36 million. According to Taxpayers for Common Sense, in the last appropriations cycle, Mr. Chairman, Speaker of the House PELOSI ranked 16th out of 435 Members of Congress on the number of earmarks she requested.

Again, at a time of trillion-dollar deficits maybe there's time to say "no" to one project today so we can say "yes" to our children's future tomorrow.

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment. Let me make a few remarks about the general process and then about this amendment, and then maybe I will even have a little bit more time.

As indicated in the report to this bill, the funding for earmarks on the Transportation and HUD appropriations bill in 2010 has been cut to 50 percent of the 2006 levels. I would remind the gentleman that in the 2006 budget there was both a Republican majority in both branches and the President of the United States as well.

Also, this year, Chairman OBEY introduced new requirements to continue our effort to ensure that the appropriations process is open, transparent and worthy of the public's trust. As part of that, the committee vetted each request with the agency under whose jurisdiction an earmark would fall. Also, each request has been publicly disclosed on Members' Web sites so everyone can know exactly what has been asked by every Member and what ones are being funded.

I oppose the particular amendment here because the funds here, the \$2 million of funds, are being used to replace Doyle Drive with a new parkway connecting the Golden Gate Bridge and the Golden Gate National Recreation Area. Federal funds would be used for project design work and the right-of-way acquisition. Doyle Drive is the only link between the San Francisco peninsula and Northern California counties, and is, therefore, designated as a postdisaster recovery route.

Doyle Drive was built the year I was born and is reaching the end of its useful life. The lack of shoulders and the absence of a dividing median create dangerous operating conditions and often result in serious accidents. The drive is ranked as the fifth-worst bridge in the Nation and the worst in California on the measure of structural insufficiency. 100,000 drivers, 18,000 transit riders use that Doyle Drive every day. So for those reasons I think this is a very important earmark.

Then I would like to comment, and I oppose, again, the amendment. I would like then to use the rest of my time to point out something that I did a little bit earlier, which was to point out that at the end of the Carter administration there was \$1 trillion of national debt. That took us from the Presidency of President Washington all the way 190 years to 1980 to get \$1 trillion of national debt. Twelve years later, the national debt was over \$4 trillion, more than four times, more than quadrupled in that 12 years. That's the 12 years of the greatest debt increase in the history of the country by any percentage-wise.

In the Presidency of President Clinton, the debt went up another one-third, 33 percent, in that 8 years which is quite modest compared to what it then went up during the previous administration, the years from 2001 through 2009. The debt during that period went up from \$5.3 trillion—I think maybe I said 5.4 the last time I made this, hadn't quite gone down that much—but in any case, it's gone up over \$10 trillion by the end of the Bush administration. So that's another doubling, the largest actual number of dollars of debt increase in trillions of any kind but not the largest percentage. This was only a doubling there.

And where the gentleman gets the idea that the debt will be a tripling under the present President, I cannot imagine. It will take at least seven more years for us to have any idea what the level of the debt will be at the end of that time. He might be surprised, we might all be surprised that it will be a good deal more modest than the kinds of numbers that the gentleman is using today.

Mr. LATHAM. Would the gentleman yield?

Mr. OLVER. I would be happy to yield.

Mr. LATHAM. I just want to make the comment that, unlike Doyle Drive, you have not come to the end of your useful life.

Mr. OLVER. I reserve the balance of my time.

The CHAIR. The gentleman's time has expired.

Mr. HENSARLING. Mr. Chairman, I certainly concur with the gentleman from Iowa.

It was a fascinating history lesson that the gentleman from Massachusetts provided us with, but here are the facts.

According to the Congressional Budget Office, which happens to be appointed by Democrats, we have the largest deficit in the history of the Nation at \$1 trillion, 1.8 estimated at the end of the year, and it is CBO that says that the 10-year budget will triple the national debt.

I would ask the gentleman, again, from Massachusetts if this funding is so important, why isn't it paid for by the State of California, the city of San Francisco, or how about those toll roads? And is it really worth borrowing

the money from the Chinese and sending the bill to our children and grandchildren at this time? I think not.

I would urge adoption of the amendment.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

PART C AMENDMENT NO. 4 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk designated No. 4.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 4 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds provided in this Act under the heading "Department of Transportation—Federal Highway Administration—Surface Transportation Priorities" shall be available for the Philadelphia Museum of Art Transportation Improvement Program in Pennsylvania, and the amount otherwise provided under such heading is hereby reduced by \$750,000.

The SPEAKER pro tempore. Pursuant to House Resolution 669, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an earmark designated for the Philadelphia Museum of Art, transportation improvement program, for three-quarters of \$1 million, I believe requested by the gentleman from Pennsylvania, who is on the floor.

There is no doubt, Mr. Chairman, that the Philadelphia Museum of Art is one of the great art museums in America. I've had the occasion to visit it actually on two occasions I believe. Many in America recognize the steps as the "Rocky" steps from the popular film "Rocky."

According to the sponsor's Web site, the earmark will be used for, "Intermodal transportation improvement project to resolve pedestrian and vehicular issues at the convergence of Kelly Drive, Spring Garden Street, Art Museum Drive, Pennsylvania Avenue, and Fairmont Avenue." Sounds like a lot of avenues and streets coming together.

Again, Mr. Chairman, let's take stock of where we are: \$1 trillion deficit, the largest in America's history. It will increase tenfold in just 2 years under this Democratic majority, a feat I do not believe that has ever been achieved in our Nation's history.

According to the Congressional Budget Office, again, appointed by Democrats, we will triple the national debt

in 10 years. More debt, more debt in the next 10 years, Mr. Chairman, than in the previous 220. Again, don't take my word for it; ask the Congressional Budget Office.

And so I have no doubt that this is a good use of money once again. I have no doubt that this great art museum could use this money, but I have a number of questions.

Number one, why is this a Federal responsibility? You know, why didn't this money go to the Dallas Museum of Art? How about the Museum of Modern Art in New York? How about the Art Institute in Chicago? How about the Legion of Honor Museum in San Francisco? How about the hundreds and hundreds, if not thousands, of other art museums in the Nation, are they not equally deserving, Mr. Chairman?

And if this is a Federal responsibility, is it really a Federal priority at a time when, under this Democratic majority, we now have the highest rate of unemployment that we've had in a quarter of a century—2.6 million more Americans unemployed since President Obama took office? Maybe, maybe our priority ought to be to try to create more jobs, and there are hundreds of thousands of small businesses, including many in the Fifth Congressional District of Texas that could benefit from that money and create jobs and preserve jobs.

And then, Mr. Chairman, if I concede the argument that somehow this is not only a Federal responsibility but a Federal priority, again, is it of equal priority to creating jobs? Is it of equal priority to the money that goes to the National Institutes of Health for cancer research? Is it of equal priority to setting up more rural clinics for our veterans' health care? I think not.

And although, again, I have no doubt that this is a good use of someone's funds, that at a time of \$1 trillion deficit, at a time of the worst unemployment we have had in 25 years, you know, it just doesn't meet the test of the taxpayers and the struggling families in this Nation.

And, again, if we don't say "no" to somebody's project today, we cannot say "yes" to our children's future tomorrow.

And with that, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. BRADY of Pennsylvania. I rise in opposition to the amendment.

The gentleman from Texas does not seem to understand that this money does not go to the art museum. The art museum is located in the city of Philadelphia, and it benefits the entire region. This isn't private property. It's a public street that runs around a city-owned building. The contracts for this work will be let by Pennsylvania's transportation department, administered by the city of Philadelphia, and this is already an approved TIP project.

The museum is located in one of the most dangerous high-traffic areas in the city of Philadelphia, where major roadways, as the gentleman indicated, I-76, Martin Luther King Drive, Kelly Drive, Schuylkill River Trails and the Ben Franklin Parkway converge. This area has proven to be extremely dangerous for drivers and pedestrians alike.

Just a month ago, a father and son were struck by an SUV, critically injuring them while biking on Martin Luther King Drive on the south side of the art museum. Such accidents are frightening and common in this area, as anyone who has visited the art museum can attest.

I requested funding for this earmark because it's vitally important for the safety and well-being of my constituents, as well as the millions of others who visit Philadelphia every year.

I fully support this amendment.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I certainly respect what the gentleman says, and he says that clearly I don't understand aspects of the project.

What he doesn't seem to understand is that the taxpayers in the Fifth Congressional District of Texas, frankly, don't want to pay for his transportation projects, and they have transportation needs of their own.

If this is such a priority, why doesn't the Commonwealth of Pennsylvania take it out of their share of the Federal Highway Trust Fund? Why doesn't the State of Pennsylvania take it from their taxpayers? Why doesn't the City of Philadelphia take it from their taxpayers, or maybe the art museum has to charge a little bit more so that the struggling taxpayers of the Fifth District of Texas and all over America don't have to pay more in taxes or borrow more money from the Chinese to help the art museum in Philadelphia.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. I yield 2 minutes to the gentleman from Pennsylvania, City of Philadelphia (Mr. FATTAH).

□ 1715

Mr. FATTAH. I rise in opposition to this amendment, and to support my colleague who has offered this very worthy project that's needed. The Philadelphia Art Museum is the finest art museum anywhere in the world, as far as I'm concerned, because I'm from the city of Philadelphia.

But I think we all know that it's critically important to invest in these needed infrastructure repairs, and I'm very happy that the committee saw fit to include this.

I'd hoped that we would at one point think about the real cost to our taxpayers of these amendments that are being offered. I think we probably have spent more than \$750,000 on these amendments attacking earmarks, when in fact this is 1 percent of the bill. Even if this amendment passed, this money would not go against the def-

icit. This money would go to be spent in some other way.

So the point here is this is a needed project. I support it. I thank the chairman for including it. I thank my colleague from Philadelphia for his very effective fight to get this included in this transportation bill.

I think one thing that this amendment shows is that you're doing your job and working hard. And it benefits, like you said, the entire region.

I thank the gentleman for yielding time.

Mr. HENSARLING. Mr. Chairman, may I inquire how much time I have remaining and who has the right to close.

The CHAIR. The gentleman from Texas has 15 seconds. The gentleman from Texas does have the right to close. The gentleman from Pennsylvania has 2½ minutes.

Mr. HENSARLING. I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Chairman, I find it ironic that people think the citizens of Philadelphia and of Pennsylvania don't pay Federal taxes, but they do.

The reason why government was formed is to protect our citizens. So I thank the gentleman for offering his amendment, to allow me to stand here and represent my constituents, the constituents of the city of Philadelphia, in my district, and also to be able to do my job to show them I am bringing back resources to keep not only them safe, but to keep the millions of visitors, the children, everyone that does visit this art museum, keeping them safe. That's exactly what this funding would do.

Again, I ask for a "no" vote on this amendment.

I yield back the balance of my time.

Mr. HENSARLING. Mr. Chairman, I will just point out to the gentleman from Pennsylvania that, according to his own Web site, the recipient is the Philadelphia Museum of Art, again, one of America's great art museums.

But I don't want to borrow money from the Chinese to send the bill to my children and grandchildren at a time of a trillion-dollar deficit.

Start saving the pennies and nickels and perhaps the dollars.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-219 on which further proceedings were postponed, in the following order:

Amendment No. 2 printed in part A by Mr. HENSARLING of Texas;  
 Amendment No. 3 printed in part A by Mr. LATHAM of Iowa;  
 Amendment No. 7 printed in part A by Mr. FRELINGHUYSEN of New Jersey;  
 Amendment No. 8 printed in part A by Mrs. BLACKBURN of Tennessee;  
 Amendment No. 10 printed in part A by Mr. JORDAN of Ohio;  
 Amendment No. 11 printed in part A by Mr. NEUGEBAUER of Texas;  
 Amendment No. 12 printed in part A by Mr. STEARNS of Florida;  
 Amendment No. 1 printed in part B by Mr. FLAKE of Arizona;  
 Amendment No. 4 printed in part B by Mr. FLAKE of Arizona;  
 Amendment No. 7 printed in part B by Mr. FLAKE of Arizona;  
 Amendment No. 8 printed in part B by Mr. FLAKE of Arizona;  
 Amendment No. 9 printed in part B by Mr. FLAKE of Arizona;  
 Amendment No. 10 printed in part B by Mr. FLAKE of Arizona;  
 Amendment No. 11 printed in part B by Mr. FLAKE of Arizona;  
 Amendment No. 3 printed in part C by Mr. HENSARLING of Texas;  
 Amendment No. 4 printed in part C by Mr. HENSARLING of Texas.  
 The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

PART A AMENDMENT NO. 2 OFFERED BY MR. HENSARLING

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 276, not voting 11, as follows:

[Roll No. 620]

AYES—152

Akin	Campbell	Gallegly
Alexander	Cantor	Garrett (NJ)
Bachmann	Carter	Gingrey (GA)
Bachus	Cassidy	Gohmert
Bartlett	Chaffetz	Goodlatte
Barton (TX)	Coble	Granger
Biggert	Coffman (CO)	Graves
Bilbray	Cole	Guthrie
Bilirakis	Conaway	Harper
Blackburn	Cooper	Hastings (WA)
Blunt	Crenshaw	Heller
Boehner	Culberson	Hensarling
Bono Mack	Deal (GA)	Herger
Boozman	Dreier	Hoekstra
Brady (TX)	Duncan	Hunter
Brown (GA)	Ehlers	Inglis
Brown (SC)	Emerson	Issa
Brown-Waite,	Fallin	Jenkins
Ginny	Flake	Johnson (IL)
Buchanan	Fleming	Johnson, Sam
Burgess	Forbes	Jordan (OH)
Burton (IN)	Foster	King (IA)
Buyer	Fox	King (NY)
Calvert	Franks (AZ)	Kingston
Camp	Frelinghuysen	Kirk

Kline (MN)	Miller, Gary	Sanchez, Loretta	Reyes	Shea-Porter	Tsongas
Kratovil	Mitchell	Scalise	Rodriguez	Sherman	Turner
Lamborn	Moran (KS)	Schmidt	Rogers (AL)	Shuler	Upton
Lance	Neugebauer	Schock	Ros-Lehtinen	Sires	Van Hollen
Latham	Nunes	Sensenbrenner	Ross	Skelton	Velázquez
Latta	Olson	Sessions	Rothman (NJ)	Smith (NJ)	Visclosky
Lee (NY)	Paul	Shadegg	Roybal-Allard	Smith (WA)	Walden
Lewis (CA)	Paulsen	Shimkus	Ruppersberger	Snyder	Walz
Linder	Pence	Shuster	Rush	Space	Wasserman
Lucas	Petri	Simpson	Sablan	Speier	Weiner
Luetkemeyer	Pitts	Smith (NE)	Salazar	Spratt	Welch
Lummis	Polis (CO)	Smith (TX)	Sánchez, Linda	Stark	Wexler
Lungren, Daniel	Posey	Souder	T.	Stupak	Wilson (OH)
E.	Price (GA)	Stearns	Sarbanes	Sutton	Wolf
Mack	Putnam	Sullivan	Schakowsky	Tanner	Woolsey
Manzullo	Radanovich	Teague	Schauer	Taylor	Wu
Marchant	Rehberg	Terry	Schiff	Thompson (CA)	Yarmuth
McCarthy (CA)	Reichert	Thompson (PA)	Schrader	Thompson (MS)	
McCauley	Richardson	Thornberry	Schwartz	Tiberi	
McClintock	Roe (TN)	Tiahrt	Scott (GA)	Tierney	
McCotter	Rogers (KY)	Wamp	Scott (VA)	Titus	
McHenry	Rogers (MI)	Westmoreland	Serrano	Tonko	
McHugh	Rohrabacher	Rooney	Sestak	Towns	
McKeon	Roskam	Whitfield			
McMorris	Royce	Wilson (SC)			
Rodgers	Ryan (WI)	Young (AK)			
Miller (FL)		Young (FL)			

NOES—276

Abercrombie	Diaz-Balart, L.	Langevin
Ackerman	Diaz-Balart, M.	Larsen (WA)
Aderholt	Dicks	Larson (CT)
Adler (NJ)	Dingell	LaTourette
Altmire	Doggett	Lee (CA)
Andrews	Donnelly (IN)	Levin
Arcuri	Doyle	Lewis (GA)
Austria	Driehaus	Lipinski
Baca	Edwards (MD)	LoBiondo
Baird	Edwards (TX)	Loeback
Baldwin	Ellison	Loftgren, Zoe
Barrow	Ellsworth	Lowey
Bean	Engel	Lujan
Becerra	Eshoo	Lynch
Berkley	Etheridge	Maffei
Berman	Faleomavaega	Maloney
Berry	Farr	Markey (CO)
Bishop (GA)	Fattah	Markey (MA)
Bishop (NY)	Filner	Marshall
Blumenauer	Fortenberry	Massa
Bocchieri	Frank (MA)	Matheson
Bonner	Fudge	Matsui
Bordallo	Gerlach	McCollum
Boren	Giffords	McDermott
Boswell	Gonzalez	McGovern
Boucher	Gordon (TN)	McIntyre
Boyd	Grayson	McMahon
Brady (PA)	Green, Al	McNerney
Bralley (IA)	Green, Gene	Meek (FL)
Bright	Griffith	Meeks (NY)
Brown, Corrine	Grijalva	Melancon
Butterfield	Gutierrez	Mica
Cao	Hall (NY)	Michaud
Capito	Hall (TX)	Miller (MI)
Capps	Halvorson	Miller (NC)
Capuano	Hare	Miller, George
Cardoza	Harman	Minnick
Carnahan	Hastings (FL)	Mollohan
Carney	Heinrich	Moore (KS)
Carson (IN)	Herseth Sandlin	Moran (VA)
Castle	Higgins	Murphy (CT)
Castor (FL)	Hill	Murphy (NY)
Chandler	Himes	Murphy, Patrick
Childers	Hinchev	Murphy, Tim
Christensen	Hirono	Murtha
Chu	Hodes	Myrick
Clarke	Holden	Nadler (NY)
Clay	Holt	Napolitano
Cleaver	Honda	Neal (MA)
Clyburn	Hoyer	Norton
Cohen	Inslee	Nye
Connolly (VA)	Israel	Oberstar
Conyers	Jackson (IL)	Obey
Costa	Jackson-Lee	Olver
Costello	(TX)	Ortiz
Courtney	Johnson (GA)	Pallone
Crowley	Johnson, E. B.	Pascarell
Cuellar	Jones	Pastor (AZ)
Cummings	Kagen	Payne
Dahlkemper	Kanjorski	Perlmutter
Davis (AL)	Kennedy	Peters
Davis (CA)	Kildee	Peterson
Davis (IL)	Kilpatrick (MI)	Pierluisi
Davis (KY)	Kilroy	Pingree (ME)
Davis (TN)	Kind	Poe (TX)
DeFazio	Kirkpatrick (AZ)	Pomeroy
DeGette	Kissell	Price (NC)
Delahunt	Klein (FL)	Quigley
DeLauro	Kosmas	Rahall
Dent	Kucinich	Rangel

Shea-Porter	Tsongas
Sherman	Turner
Shuler	Upton
Sires	Van Hollen
Skelton	Velázquez
Smith (NJ)	Visclosky
Smith (WA)	Walden
Snyder	Walz
Space	Wasserman
Speier	Weiner
Spratt	Welch
Stark	Wexler
Stupak	Wilson (OH)
Sutton	Wolf
Tanner	Woolsey
Taylor	Wu
Thompson (CA)	Yarmuth
Thompson (MS)	
Tiberi	
Tierney	
Titus	
Tonko	
Towns	

NOT VOTING—11

Barrett (SC)	Kaptur	Platts
Bishop (UT)	McCarthy (NY)	Ryan (OH)
Boustany	Moore (WI)	Slaughter
Hinojosa	Perriello	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining on the vote.

□ 1743

Messrs. CAO, FILNER, TIM MURPHY of Pennsylvania, LEVIN, BERRY, Mrs. NAPOLITANO, Mr. McDERMOTT, Ms. CASTOR of Florida, Messrs. ORTIZ, GRIJALVA, BERMAN, ADERHOLT, and BAIRD changed their vote from “aye” to “no.”

Messrs. NEUGEBAUER, THORBERRY, CRENSHAW, TIAHRT, PETRI, EHLERS, KIRK, PUTNAM, DREIER, KING of New York, and BURGESS changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. SLAUGHTER. Mr. Chair, on rollcall No. 620, had I been present, I would have voted “no.”

PART A AMENDMENT NO. 3 OFFERED BY MR. LATHAM

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. LATHAM) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 136, noes 284, not voting 19, as follows:

[Roll No. 621]

AYES—136

Akin	Bilirakis	Brady (TX)
Alexander	Blunt	Bright
Austria	Boehner	Brown (GA)
Bachmann	Bonner	Brown (SC)
Bachus	Bono Mack	Buchanan
Bartlett	Boozman	Burgess
Barton (TX)	Boustany	Burton (IN)

Buyer	Herger	Nunes
Calvert	Herseth Sandlin	Olson
Camp	Hoekstra	Paulsen
Campbell	Hunter	Pence
Capito	Inglis	Petri
Carter	Issa	Pitts
Cassidy	Jenkins	Posey
Chaffetz	Johnson, Sam	Price (GA)
Coffman (CO)	Jones	Radanovich
Cole	Jordan (OH)	Rehberg
Conaway	King (IA)	Reichert
Crenshaw	Kingston	Roe (TN)
Culberson	Kirk	Rogers (KY)
Davis (KY)	Kirkpatrick (AZ)	Rogers (MI)
Deal (GA)	Kline (MN)	Rohrabacher
Dreier	Lamborn	Rooney
Duncan	Lance	Roskam
Emerson	Latham	Royce
Fallin	Latta	Ryan (WI)
Flake	Lewis (CA)	Scalise
Fleming	Linder	Schmidt
Forbes	Lucas	Sensenbrenner
Fortenberry	Luetkemeyer	Sessions
Fox	Lummis	Shadegg
Franks (AZ)	Lungren, Daniel	Simpson
Frelinghuysen	E.	Smith (NE)
Gallely	Mack	Smith (TX)
Garrett (NJ)	Marchant	Stearns
Gingrey (GA)	McCarthy (CA)	Thompson (PA)
Gohmert	McCaul	Thornberry
Goodlatte	McClintock	Tiahrt
Gordon (TN)	McCotter	Tiberi
Granger	McHenry	Westmoreland
Guthrie	McKeon	Whitfield
Hall (TX)	McMorris	Wilson (SC)
Harper	Rodgers	Wittman
Hastings (WA)	Miller (FL)	Wolf
Heller	Moran (KS)	Young (AK)
Hensarling	Neugebauer	Young (FL)

NOES—284

Abercrombie	Crowley	Hoyer
Ackerman	Cuellar	Inslee
Aderholt	Cummings	Jackson (IL)
Adler (NJ)	Dahlkemper	Jackson-Lee
Altmire	Davis (AL)	(TX)
Andrews	Davis (CA)	Johnson (GA)
Arcuri	Davis (TN)	Johnson, E. B.
Baca	DeFazio	Kagen
Baird	DeGette	Kanjorski
Baldwin	Delahunt	Kaptur
Barrow	DeLauro	Kildee
Bean	Dent	Kilpatrick (MI)
Becerra	Diaz-Balart, L.	Kilroy
Berkley	Diaz-Balart, M.	Kind
Berman	Dingell	King (NY)
Berry	Doggett	Kissell
Biggart	Donnelly (IN)	Klein (FL)
Billray	Doyle	Kosmas
Bishop (GA)	Drieheus	Kratovil
Bishop (NY)	Edwards (MD)	Kucinich
Blackburn	Edwards (TX)	Langevin
Blumenauer	Ehlers	Larsen (WA)
Boccheri	Ellison	Larsen (CT)
Bordallo	Ellsworth	LaTourette
Boren	Engel	Lee (CA)
Boswell	Eshoo	Lee (NY)
Boucher	Etheridge	Levin
Boyd	Faleomavaega	Lewis (GA)
Brady (PA)	Farr	Lipinski
Braley (IA)	Fattah	LoBiondo
Brown, Corrine	Filner	Loebsack
Brown-Waite,	Foster	Lofgren, Zoe
Ginny	Frank (MA)	Lowe
Butterfield	Fudge	Lujan
Cantor	Gerlach	Lynch
Cao	Giffords	Maffei
Capps	Gonzalez	Maloney
Cardoza	Graves	Manzullo
Carnahan	Grayson	Markey (CO)
Carney	Green, Al	Markey (MA)
Carson (IN)	Green, Gene	Marshall
Castle	Griffith	Massa
Castor (FL)	Grijalva	Matsui
Chandler	Gutierrez	McCollum
Childers	Halvorson	McDermott
Christensen	Hare	McGovern
Chu	Harman	McIntyre
Clarke	Hastings (FL)	McMahon
Clay	Heinrich	McNerney
Clyburn	Hill	Meek (FL)
Coble	Himes	Meeks (NY)
Cohen	Hinche	Melancon
Connolly (VA)	Hinojosa	Mica
Conyers	Hirono	Michaud
Cooper	Hodes	Miller (MI)
Costa	Holden	Miller (NC)
Costello	Holt	Miller, Gary
Courtney	Honda	Miller, George

Minnick	Rangel	Souder
Mitchell	Reyes	Space
Mollohan	Richardson	Speier
Moore (KS)	Rodriguez	Stark
Moran (VA)	Rogers (AL)	Stupak
Murphy (CT)	Ros-Lehtinen	Sullivan
Murphy (NY)	Ross	Sutton
Murphy, Patrick	Rothman (NJ)	Tanner
Murphy, Tim	Roybal-Allard	Taylor
Murtha	Ruppersberger	Teague
Myrick	Rush	Thompson (CA)
Nadler (NY)	Ryan (OH)	Thompson (MS)
Napolitano	Sablan	Tierney
Neal (MA)	Salazar	Titus
Norton	Sanchez, Linda	Tonko
Nye	T.	Towns
Oberstar	Sanchez, Loretta	Tsongas
Obey	Sarbanes	Turner
Oliver	Schakowsky	Upton
Ortiz	Schauer	Van Hollen
Pallone	Schiff	Velazquez
Pascrell	Schoc	Visclosky
Pastor (AZ)	Schrader	Walden
Payne	Schwartz	Walz
Perlmutter	Scott (GA)	Wamp
Perriello	Scott (VA)	Wasserman
Peters	Serrano	Schultz
Peterson	Sestak	Waters
Pierluisi	Sherman	Watson
Pingree (ME)	Shimkus	Watt
Platts	Shuler	Waxman
Poe (TX)	Shuster	Weiner
Polis (CO)	Sires	Welch
Pomeroy	Skelton	Wexler
Price (NC)	Slaughter	Wilson (OH)
Putnam	Smith (NJ)	Woolsey
Quigley	Smith (WA)	Wu
Rahall	Snyder	Yarmuth

NOT VOTING—19

Barrett (SC)	Higgins	Moore (WI)
Bishop (UT)	Israel	Paul
Capuano	Johnson (IL)	Shea-Porter
Cleaver	Kennedy	Spratt
Davis (IL)	Matheson	Terry
Dicks	McCarthy (NY)	
Hall (NY)	McHugh	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1746

Mr. CARSON of Indiana changed his vote from “aye” to “no.”

So the amendment was rejected. The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 7 OFFERED BY MR. FRELINGHUYSEN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. FRELINGHUYSEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered. The CHAIR. This is a 2-minute vote. The vote was taken by electronic device, and there were—ayes 116, noes 313, not voting 10, as follows:

[Roll No. 622]

AYES—116

Adler (NJ)	Blackburn	Brown-Waite,
Akin	Blunt	Ginny
Alexander	Boccheri	Buchanan
Altmire	Bono Mack	Burgess
Andrews	Boren	Buyer
Arcuri	Boustany	Calvert
Bachus	Brady (PA)	Campbell
Bartlett		Cantor

Carney	King (IA)	Price (GA)
Cassidy	Kingston	Radanovich
Clarke	Kirk	Rehberg
Coffman (CO)	Kissell	Roe (TN)
Cole	Kosmas	Rothman (NJ)
Conaway	Kucinich	Royce
Conyers	Lamborn	Ryan (WI)
Dahlkemper	Lance	Scalise
Delahunt	Latta	Sensenbrenner
Doggett	Lewis (CA)	Sestak
Dreier	Lucas	Simpson
Edwards (TX)	Lummis	Sires
Engel	Lungren, Daniel	Slaughter
Fattah	E.	Smith (NE)
Forbes	Manzullo	Smith (NJ)
Fox	Marchant	Smith (TX)
Frelinghuysen	Massa	Souder
Gallely	McCotter	Stearns
Garrett (NJ)	McHugh	Terry
Gerlach	McKeon	Thompson (PA)
Gohmert	McMorris	Thompson (PA)
Hall (NY)	Rodgers	Tierney
Harper	Miller (FL)	Tsongas
Hensarling	Miller (NC)	Turner
Himes	Murphy (CT)	Visclosky
Hodes	Murphy (NY)	Walden
Holt	Nunes	Wexler
Issa	Pallone	Whitfield
Jackson-Lee	Pascrell	Wilson (SC)
(TX)	Payne	Wittman
Johnson (IL)	Pitts	Wolf
Jones	Platts	Young (FL)
Kanjorski	Posey	

NOES—313

Abercrombie	Cuellar	Hill
Ackerman	Culberson	Hinche
Aderholt	Cummings	Hinojosa
Austria	Davis (AL)	Hirono
Baca	Davis (CA)	Hoekstra
Bachmann	Davis (IL)	Holden
Baird	Davis (KY)	Honda
Baldwin	Davis (TN)	Hoyer
Barrow	Deal (GA)	Hunter
Barton (TX)	DeFazio	Inglis
Bean	DeGette	Inslee
Becerra	DeLauro	Israel
Berkley	Dent	Jackson (IL)
Berman	Diaz-Balart, L.	Jenkins
Berry	Diaz-Balart, M.	Johnson, E. B.
Biggart	Dicks	Johnson, E. B.
Billray	Dingell	Jordan (OH)
Bilirakis	Donnelly (IN)	Kagen
Bishop (GA)	Doyle	Kaptur
Bishop (NY)	Drieheus	Kennedy
Blumenauer	Duncan	Kildee
Boehner	Edwards (MD)	Kilpatrick (MI)
Bonner	Ehlers	Kilroy
Boozman	Ellison	Kind
Bordallo	Ellsworth	King (NY)
Boswell	Emerson	Kirkpatrick (AZ)
Boucher	Eshoo	Klein (FL)
Boyd	Etheridge	Kline (MN)
Brady (TX)	Faleomavaega	Kratovil
Braley (IA)	Fallin	Langevin
Bright	Farr	Larsen (WA)
Broun (GA)	Filner	Larsen (CT)
Brown (SC)	Flake	Latham
Brown, Corrine	Fleming	LaTourette
Burton (IN)	Fortenberry	Lee (CA)
Butterfield	Foster	Lee (NY)
Camp	Frank (MA)	Levin
Cao	Franks (AZ)	Lewis (GA)
Capito	Fudge	Linder
Capps	Giffords	Lipinski
Capuano	Gingrey (GA)	LoBiondo
Cardoza	Gonzalez	Loebsack
Carnahan	Goodlatte	Lofgren, Zoe
Carson (IN)	Gordon (TN)	Lowe
Carter	Granger	Luetkemeyer
Castle	Graves	Lujan
Castor (FL)	Grayson	Lynch
Chaffetz	Green, Al	Mack
Chandler	Green, Gene	Maffei
Childers	Griffith	Maloney
Christensen	Grijalva	Markey (CO)
Chu	Guthrie	Markey (MA)
Clay	Gutierrez	Marshall
Cleaver	Hall (TX)	Matheson
Clyburn	Halvorson	Matsui
Coble	Hare	McCarthy (CA)
Cohen	Harman	McCaul
Connolly (VA)	Hastings (FL)	McClintock
Cooper	Hastings (WA)	McCollum
Costa	Heinrich	McDermott
Costello	Heller	McGovern
Courtney	Herger	McHenry
Crenshaw	Herseth Sandlin	McIntyre
Crowley	Higgins	McMahon

McNerney	Price (NC)	Shimkus	Brown (GA)	Hastings (WA)	Nye	Lipinski	Ortiz	Sherman
Meek (FL)	Putnam	Shuler	Brown (SC)	Heinrich	Olson	LoBiondo	Pallone	Shuler
Meeks (NY)	Quigley	Shuster	Brown-Waite,	Heller	Paulsen	Loebsack	Pascarell	Sires
Melancon	Rahall	Skelton	Ginny	Hensarling	Pence	Lofgren, Zoe	Pastor (AZ)	Skelton
Mica	Rangel	Smith (WA)	Buchanan	Herger	Peters	Lowey	Payne	Slaughter
Michaud	Reichert	Snyder	Burgess	Hoekstra	Petri	Lujan	Perlmutter	Smith (NJ)
Miller (MI)	Reyes	Space	Burton (IN)	Hunter	Pitts	Lynch	Perriello	Smith (WA)
Miller, Gary	Richardson	Speier	Buyer	Inglis	Platts	Maffei	Peterson	Snyder
Miller, George	Rodriguez	Stark	Calvert	Issa	Poe (TX)	Maloney	Pierluisi	Space
Minnick	Rogers (AL)	Stupak	Camp	Jenkins	Posey	Markey (CO)	Pingree (ME)	Speier
Mitchell	Rogers (KY)	Sutton	Campbell	Johnson (IL)	Price (GA)	Markey (MA)	Polis (CO)	Stark
Mollohan	Rogers (MI)	Tanner	Cantor	Johnson, Sam	Putnam	Marshall	Pomeroy	Stupak
Moore (KS)	Rohrabacher	Taylor	Capito	Jones	Radanovich	Massa	Price (NC)	Sutton
Moran (KS)	Rooney	Teague	Carter	Jordan (OH)	Rehberg	Matheson	Quigley	Tanner
Moran (VA)	Ros-Lehtinen	Thompson (CA)	Cassidy	King (IA)	Roe (TN)	Matsui	Rahall	Teague
Murphy, Patrick	Roskam	Thompson (MS)	Castle	King (NY)	Rogers (AL)	McCollum	Rangel	Thompson (CA)
Murphy, Tim	Ross	Thornberry	Chaffetz	Kingston	Rogers (KY)	McDermott	Reichert	Thompson (MS)
Murtha	Roybal-Allard	Tiahrt	Coble	Kirk	Rogers (MI)	McGovern	Reyes	Tierney
Nadler (NY)	Ruppersberger	Tiberi	Coffman (CO)	Kirkpatrick (AZ)	Rohrabacher	McHugh	Richardson	Titus
Napolitano	Rush	Titus	Cole	Kline (MN)	Rooney	McIntyre	Rodriguez	Tonko
Neal (MA)	Ryan (OH)	Tonko	Conaway	Kratovil	Ros-Lehtinen	McMahon	Ross	Towns
Neugebauer	Sablan	Towns	Cooper	Lamborn	Roskam	Meek (FL)	Rothman (NJ)	Tsongas
Norton	Salazar	Upton	Crenshaw	Lance	Royce	Meeks (NY)	Roybal-Allard	Turner
Nye	Sanchez, Linda	Van Hollen	Culberson	Latta	Ryan (WI)	Melancon	Ruppersberger	Van Hollen
Oberstar	T.	Velázquez	Deval (KY)	Lee (NY)	Scalise	Michaud	Rush	Velázquez
Obey	Sanchez, Loretta	Walz	Deal (GA)	Linder	Schmidt	Miller (NC)	Ryan (OH)	Visclosky
Olson	Sarbanes	Wamp	Dent	Lucas	Schock	Miller, George	Sablan	Walz
Olver	Schakowsky	Wasserman	Diaz-Balart, L.	Luetkemeyer	Sensenbrenner	Minnick	Salazar	Wasserman
Ortiz	Schauer	Schultz	Diaz-Balart, M.	Lummis	Sessions	Mollohan	Sanchez, Linda	Schultz
Pastor (AZ)	Schiff	Waters	Donnelly (IN)	Lungren, Daniel	Shadegg	Moore (KS)	T.	Waters
Paulsen	Schmitt	Watson	Dreier	E.	Shimkus	Moore (WI)	Sanchez, Loretta	Watson
Perlmutter	Schock	Watt	Driehaus	Mack	Shuster	Moran (VA)	Sarbanes	Watt
Perriello	Schrader	Waxman	Duncan	Manzullo	Simpson	Murphy (CT)	Schakowsky	Waxman
Peters	Schwartz	Weiner	Ellsworth	Marchant	Smith (NE)	Murphy, Tim	Schauer	Weiner
Peterson	Scott (GA)	Welch	Emerson	McCarthy (CA)	Smith (TX)	Murtha	Schiff	Welch
Petri	Scott (VA)	Westmoreland	Fallin	McCaul	Souder	Nadler (NY)	Schrader	Wexler
Pierluisi	Serrano	Wilson (OH)	Flake	McClintock	Stearns	Napolitano	Schwartz	Wilson (OH)
Pingree (ME)	Sessions	Woolsey	Fleming	McCotter	Sullivan	Neal (MA)	Scott (GA)	Wolf
Poe (TX)	Shadegg	Wu	Forbes	McHenry	Taylor	Norton	Scott (VA)	Woolsey
Polis (CO)	Shea-Porter	Yarmuth	Fortenberry	McKeon	Terry	Oberstar	Serrano	Wu
Pomeroy	Sherman	Young (AK)	Fox	McMorris	Thompson (PA)	Obey	Sestak	Yarmuth
			Franks (AZ)	Rodgers	Thornberry	Olver	Shea-Porter	Young (AK)
			Frelinghuysen	McNerney	Tiahrt			
			Gallely	Mica	Tiberi			
			Garrett (NJ)	Miller (FL)	Upton			
			Gerlach	Miller (MI)	Walden			
			Gingrey (GA)	Miller, Gary	Wamp			
			Gohmert	Mitchell	Westmoreland			
			Goodlatte	Moran (KS)	Whitfield			
			Granger	Murphy (NY)	Wilson (SC)			
			Graves	Murphy, Patrick	Wittman			
			Guthrie	Myrick	Young (FL)			
			Hall (TX)	Neugebauer				
			Harper	Nunes				

## NOT VOTING—10

Barrett (SC)	Moore (WI)	Spratt
Bishop (UT)	Myrick	Sullivan
Johnson, Sam	Paul	
McCarthy (NY)	Pence	

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1749

Mr. HALL of New York changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 8 OFFERED BY MRS.

## BLACKBURN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mrs. BLACKBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 252, not voting 6, as follows:

[Roll No. 623]

## AYES—181

Aderholt	Bachus	Boehner
Adler (NJ)	Bartlett	Bonner
Akin	Barton (TX)	Bono Mack
Alexander	Bean	Boozman
Altmore	Biggart	Boren
Arcuri	Bilirakis	Boustany
Austria	Blackburn	Brady (TX)
Bachmann	Blunt	Bright
		Conyers
		Costa
		Costello
		Courtney
		Crowley
		Cuellar
		Cummings
		Dahlkemper
		Hill
		Himes
		Hinche
		Hinojosa
		Hirono
		Hodes
		Holden
		Holt
		Honda
		Hoyer
		Inslie
		Israel
		Jackson (IL)
		Jackson-Lee
		(TX)
		Johnson, E.B.
		Kagen
		Kanjorski
		Kaptur
		Kennedy
		Kildee
		Kilpatrick (MI)
		Kilroy
		Kind
		Kissell
		Klein (FL)
		Kosmas
		Kucinich
		Langevin
		Larsen (WA)
		Larson (CT)
		Latham
		LaTourette
		Lee (CA)
		Levin
		Lewis (CA)
		Lewis (GA)
		Halvorson
		Hare
		Harman
		Hastings (FL)
		Herse
		Herseth Sandlin
		Higgins
		Hill
		Himes
		Hinche
		Hinojosa
		Hirono
		Hodes
		Holden
		Holt
		Honda
		Hoyer
		Inslie
		Israel
		Jackson (IL)
		Jackson-Lee
		(TX)
		Johnson, E.B.
		Kagen
		Kanjorski
		Kaptur
		Kennedy
		Kildee
		Kilpatrick (MI)
		Kilroy
		Kind
		Kissell
		Klein (FL)
		Kosmas
		Kucinich
		Langevin
		Larsen (WA)
		Larson (CT)
		Latham
		LaTourette
		Lee (CA)
		Levin
		Lewis (CA)
		Lewis (GA)

## NOES—252

Abercrombie	Costa	Halvorson
Ackerman	Costello	Hare
Andrews	Courtney	Harman
Baca	Crowley	Hastings (FL)
Baird	Cuellar	Herse
Baldwin	Cummings	Herseth Sandlin
Barrow	Dahlkemper	Higgins
Becerra	Hill	Hinojosa
Berkley	Himes	Hirono
Berman	Hinche	Hodes
Berry	Hinojosa	Holden
Bilbray	Hirono	Holt
Bishop (GA)	Hodes	Honda
Bishop (NY)	Holden	Hoyer
Blumenauer	Holt	Inslie
Boccheri	Honda	Israel
Bordallo	Hoyer	Jackson (IL)
Boswell	Inslie	Jackson-Lee
Boucher	Doggett	(TX)
Boyd	Doyle	Johnson, E.B.
Brady (PA)	Edwards (MD)	Kagen
Braley (IA)	Edwards (TX)	Kanjorski
Brown, Corrine	Ehlers	Kaptur
Butterfield	Ellison	Kennedy
Cao	Engel	Kildee
Capps	Eshoo	Kilpatrick (MI)
Capuano	Etheridge	Kilroy
Cardoza	Faleomavaega	Kind
Carnahan	Farr	Kissell
Carney	Fattah	Klein (FL)
Carson (IN)	Finer	Kosmas
Castor (FL)	Franker	Kucinich
Chandler	Frank (MA)	Langevin
Childers	Fudge	Larsen (WA)
Christensen	Giffords	Larson (CT)
	Gonzalez	Latham
	Gordon (TN)	LaTourette
	Chu	Lee (CA)
	Clarke	Levin
	Clay	Lewis (CA)
	Cleaver	Lewis (GA)
	Clyburn	Halvorson
	Cohen	Hare
	Connolly (VA)	Harman
	Conyers	Hastings (FL)
		Herse
		Herseth Sandlin
		Higgins
		Hill
		Hinojosa
		Hirono
		Hodes
		Holden
		Holt
		Honda
		Hoyer
		Inslie
		Israel
		Jackson (IL)
		Jackson-Lee
		(TX)
		Johnson, E.B.
		Kagen
		Kanjorski
		Kaptur
		Kennedy
		Kildee
		Kilpatrick (MI)
		Kilroy
		Kind
		Kissell
		Klein (FL)
		Kosmas
		Kucinich
		Langevin
		Larsen (WA)
		Larson (CT)
		Latham
		LaTourette
		Lee (CA)
		Levin
		Lewis (CA)
		Lewis (GA)

## NOT VOTING—6

Barrett (SC)	Johnson (GA)	Paul
Bishop (UT)	McCarthy (NY)	Spratt

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1752

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 10 OFFERED BY MR.

## JORDAN OF OHIO

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. JORDAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 145, noes 287, not voting 7, as follows:

[Roll No. 624]

## AYES—145

Aderholt	Bonner	Calvert
Akin	Bono Mack	Camp
Alexander	Boozman	Campbell
Austria	Boustany	Cantor
Bachmann	Brady (TX)	Capito
Bachus	Broun (GA)	Carter
Bartlett	Brown (SC)	Cassidy
Barton (TX)	Brown-Waite,	Chaffetz
Biggart	Ginny	Coble
Blackburn	Burgess	Coffman (CO)
Blunt	Burton (IN)	Cole
Boehner	Buyer	Conaway

Crenshaw Kirkpatrick (AZ) Poe (TX)  
 Davis (KY) Kline (MN) Posey  
 Deal (GA) Kratochiv Price (GA)  
 Diaz-Balart, L. Lamborn Putnam  
 Diaz-Balart, M. Lance Radanovich  
 Dreier Latta Rehberg  
 Duncan Lee (NY) Roe (TN)  
 Emerson Lewis (CA) Rogers (AL)  
 Fallin Linder Rogers (MI)  
 Flake Lucas Rohrabacher  
 Fleming Luetkemeyer Rooney  
 Forbes Lummis Ros-Lehtinen  
 Foxx Lungren, Daniel E.  
 Franks (AZ) E. Mack  
 Gallegly Manzullo  
 Garrett (NJ) Marchant  
 Gingrey (GA) McCarthy (CA)  
 Gohmert McCaul  
 Goodlatte McCauley  
 Granger McClintock  
 Graves McCotter  
 Guthrie McHenry  
 Hall (TX) McKeon  
 Harper McMorris  
 Hastings (WA) Rodgers  
 Heller Miller (FL)  
 Hensarling Miller (MI)  
 Herger Miller, Gary  
 Hoekstra Minnick  
 Hunter Moran (KS)  
 Inglis Myrick  
 Issa Neugebauer  
 Johnson (IL) Nunes  
 Johnson, Sam Nye  
 Jones Olson  
 Jordan (OH) Paulsen  
 King (IA) Pence  
 Kingston Pitts

Miller (NC) Reyes  
 Miller, George Richardson  
 Mitchell Rodriguez  
 Mollohan Rogers (KY)  
 Moore (KS) Ross  
 Moore (WI) Rothman (NJ)  
 Moran (VA) Roybal-Allard  
 Murphy (CT) Ruppertsberger  
 Murphy (NY) Rush  
 Murphy, Patrick Ryan (OH)  
 Murphy, Tim Sablan  
 Murtha Salazar  
 Nadler (NY) Sánchez, Linda  
 Napolitano T.  
 Neal (MA) Sanchez, Loretta  
 Norton Sarbanes  
 Oberstar Schakowsky  
 Obey Schauer  
 Olver Schiffer  
 Ortiz Schock  
 Pallone Schrader  
 Pascrell Schwartz  
 Pastor (AZ) Scott (GA)  
 Payne Scott (VA)  
 Perlmutter Serrano  
 Perriello Sestak  
 Peters Shea-Porter  
 Peterson Sherman  
 Petri Shuler  
 Pierluisi Simpson  
 Pingree (ME) Sires  
 Platts Skelton  
 Polis (CO) Slaughtner  
 Pomeroy Smith (NJ)  
 Quigley Smith (WA)  
 Rahall Snyder  
 Rangel Space  
 Reichert Speier

Dent  
 Diaz-Balart, L.  
 Diaz-Balart, M.  
 Donnelly (IN)  
 Dreier  
 Driehaus  
 Duncan  
 Ehlers  
 Emerson  
 Fallin  
 Flake  
 Fleming  
 Forbes  
 Fortenberry  
 Foxx  
 Franks (AZ)  
 Gallegly  
 Garrett (NJ)  
 Gingrey (GA)  
 Gohmert  
 Goodlatte  
 Granger  
 Graves  
 Guthrie  
 Hall (TX)  
 Harper  
 Hastings (WA)  
 Heller  
 Hensarling  
 Herger  
 Hoekstra  
 Hunter  
 Inglis  
 Issa  
 Johnson (IL)  
 Johnson, Sam  
 Jones  
 Jordan (OH)  
 King (IA)  
 King (NY)  
 Kingston  
 Kirk

Pitts  
 Poe (TX)  
 Posey  
 Price (GA)  
 Putnam  
 Radanovich  
 Rehberg  
 Roe (TN)  
 Rogers (AL)  
 Rogers (MI)  
 Rohrabacher  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Royce  
 Ryan (WI)  
 Scalise  
 Schmidt  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shimkus  
 Shuster  
 Smith (NE)  
 Smith (TX)  
 Souder  
 Stearns  
 Sullivan  
 Taylor  
 Terry  
 Thompson (PA)  
 Thornberry  
 Tiahrt  
 Tiberi  
 Upton  
 Wamp  
 Westmoreland  
 Wilson (SC)  
 Wittman  
 Young (FL)

NOES—287

Abercrombie  
 Ackerman  
 Adler (NJ)  
 Altmire  
 Andrews  
 Arcuri  
 Baca  
 Baird  
 Baldwin  
 Barrow  
 Bean  
 Becerra  
 Berkley  
 Berman  
 Berry  
 Bilbray  
 Bilirakis  
 Bishop (GA)  
 Bishop (NY)  
 Blumenauer  
 Boccieri  
 Bordallo  
 Boren  
 Boswell  
 Boucher  
 Boyd  
 Brady (PA)  
 Braley (IA)  
 Bright  
 Brown, Corrine  
 Buchanan  
 Butterfield  
 Cao  
 Capps  
 Capuano  
 Cardoza  
 Carnahan  
 Carney  
 Carson (IN)  
 Castle  
 Castor (FL)  
 Chandler  
 Childers  
 Christensen  
 Chu  
 Clarke  
 Clay  
 Cleaver  
 Clyburn  
 Cohen  
 Connolly (VA)  
 Conyers  
 Cooper  
 Costa  
 Costello  
 Courtney  
 Crowley  
 Cuellar  
 Cummings

Honda  
 Hoyer  
 Inslee  
 Israel  
 Jackson (IL)  
 Jackson-Lee (TX)  
 Jenkins  
 Johnson (GA)  
 Johnson, E. B.  
 Kagen  
 Kanjorski  
 Kaptur  
 Kennedy  
 Kildee  
 Kilpatrick (MI)  
 Kilroy  
 Kind  
 King (NY)  
 Kirk  
 Kissell  
 Klein (FL)  
 Kosmas  
 Kucinich  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 LaTourette  
 Lee (CA)  
 Levin  
 Lewis (GA)  
 Lipinski  
 LoBiondo  
 Loehsack  
 Lofgren, Zoe  
 Lowey  
 Luján  
 Lynch  
 Maffei  
 Maloney  
 Markey (CO)  
 Markey (MA)  
 Marshall  
 Massa  
 Matheson  
 Matsui  
 McCollum  
 McDermott  
 McGovern  
 Bachmann  
 Bachus  
 Bartlett  
 Barton (TX)  
 Biggert  
 Bilirakis  
 Blackburn  
 Blunt  
 Boehner  
 Bonner

Dahlkemper  
 Davis (AL)  
 Davis (CA)  
 Davis (IL)  
 DeFazio  
 DeGette  
 Delahunt  
 DeLauro  
 Dent  
 Dicks  
 Dingell  
 Doggett  
 Donnelly (IN)  
 Doyle  
 Driehaus  
 Edwards (MD)  
 Edwards (TX)  
 Ellison  
 Ellsworth  
 Engel  
 Eshoo  
 Etheridge  
 Faleomavaega  
 Farr  
 Fattah  
 Filner  
 Foster  
 Frank (MA)  
 Frelinghuysen  
 Fudge  
 Gerlach  
 Giffords  
 Gonzalez  
 Gordon (TN)  
 Grayson  
 Green, Al  
 Green, Gene  
 Griffith  
 Grijalva  
 Gutierrez  
 Hall (NY)  
 Halvorson  
 Hare  
 Harman  
 Hastings (FL)  
 Heinrich  
 Herseth Sandlin  
 Higgins  
 Hill  
 Himes  
 Hinchey  
 Hinojosa  
 Hirono  
 Hodes  
 Holden  
 Holt  
 Honda  
 Hoyer  
 Inslee

Israel  
 Jackson (IL)  
 Jackson-Lee (TX)  
 Jenkins  
 Johnson (GA)  
 Johnson, E. B.  
 Kagen  
 Kanjorski  
 Kaptur  
 Kennedy  
 Kildee  
 Kilpatrick (MI)  
 Kilroy  
 Kind  
 Kissell  
 Klein (FL)  
 Kosmas  
 Kucinich  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 LaTourette  
 Lee (CA)  
 Levin  
 Lewis (GA)  
 Lipinski  
 LoBiondo  
 Loehsack  
 Lofgren, Zoe  
 Lowey  
 Luján  
 Lynch  
 Maffei  
 Maloney  
 Markey (CO)  
 Markey (MA)  
 Massa  
 Matheson  
 Matsui  
 McCollum  
 McDermott  
 McGovern  
 McHugh  
 McIntyre  
 McMahon  
 McNerney  
 Meek (FL)  
 Meeks (NY)  
 Melancon  
 Mica  
 Michaud  
 Miller (NC)  
 Miller, George

NOT VOTING—7

Barrett (SC) McCarthy (NY) Spratt  
 Bishop (UT) Paul  
 Culberson Price (NC)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1755

So the amendment was rejected. The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 11 OFFERED BY MR. NEUGEBAUER

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote. The vote was taken by electronic device, and there were—ayes 166, noes 267, not voting 6, as follows:

[Roll No. 625]

AYES—166

Aderholt  
 Akin  
 Alexander  
 Altmire  
 Austria  
 Bachmann  
 Bachus  
 Bartlett  
 Barton (TX)  
 Biggert  
 Bilirakis  
 Blackburn  
 Blunt  
 Boehner  
 Bonner

Bono Mack  
 Boozman  
 Boren  
 Boustany  
 Brady (TX)  
 Bright  
 Broun (GA)  
 Brown (SC)  
 Brown-Waite,  
 Coffman (CO)  
 Cole  
 Conaway  
 Crenshaw  
 Culberson  
 Davis (KY)  
 Deal (GA)

Campbell  
 Cantor  
 Capito  
 Carter  
 Cassidy  
 Castle  
 Chaffetz  
 Coble  
 Coffman (CO)  
 Cole  
 Conaway  
 Crenshaw  
 Cuellar  
 Cummings  
 Dahlkemper  
 Davis (AL)

Mollohan	Rodriguez	Speier	Gingrey (GA)	Luetkemeyer	Rogers (AL)	Pascrell	Sanchez, Loretta	Teague
Moore (KS)	Rogers (KY)	Spratt	Gohmert	Lummis	Rogers (MI)	Pastor (AZ)	Sarbanes	Thompson (CA)
Moore (WI)	Ross	Stark	Goodlatte	Lungren, Daniel	Rohrabacher	Payne	Schakowsky	Thompson (MS)
Moran (VA)	Rothman (NJ)	Stupak	Granger	E.	Rooney	Perlmutter	Schauer	Tierney
Murphy (CT)	Roybal-Allard	Sutton	Graves	Mack	Ros-Lehtinen	Perriello	Schiff	Titus
Murphy, Patrick	Ruppersberger	Tanner	Guthrie	Manzullo	Roskam	Peters	Schock	Tonko
Murphy, Tim	Rush	Teague	Hall (TX)	McCarthy (CA)	Royce	Peterson	Schrader	Towns
Murtha	Ryan (OH)	Thompson (CA)	Harper	McCaul	Ryan (WI)	Pierluisi	Schwartz	Tsongas
Nadler (NY)	Sablan	Thompson (MS)	Hastings (WA)	McClintock	Scalise	Pingree (ME)	Scott (GA)	Turner
Napolitano	Salazar	Tierney	Heller	McCotter	Schmidt	Platts	Scott (VA)	Van Hollen
Neal (MA)	Sánchez, Linda	Titus	Hensarling	McHenry	Sensenbrenner	Polis (CO)	Serrano	Velázquez
Norton	T.	Tonko	Herger	McKeon	Sessions	Pomeroy	Sestak	Visclosky
Oberstar	Sanchez, Loretta	Towns	Hoekstra	Miller (FL)	Shadegg	Price (NC)	Shea-Porter	Walden
Obey	Sarbanes	Tsongas	Hunter	Miller (MI)	Shimkus	Quigley	Sherman	Walz
Olver	Schakowsky	Turner	Inglis	Miller, Gary	Shuster	Rahall	Shuler	Wasserman
Ortiz	Schauer	Van Hollen	Issa	Minnick	Smith (NE)	Rangel	Simpson	Schultz
Pallone	Schiff	Velázquez	Jenkins	Moran (KS)	Smith (TX)	Reichert	Sires	Waters
Pascrell	Schock	Visclosky	Johnson (IL)	Myrick	Souder	Reyes	Skelton	Watson
Pastor (AZ)	Schrader	Walden	Johnson, Sam	Neugebauer	Stearns	Richardson	Slaughter	Watt
Payne	Schwartz	Walz	Jones	Nunes	Sullivan	Rodriguez	Smith (NJ)	Waxman
Perlmutter	Scott (GA)	Wasserman	Jordan (OH)	Nye	Terry	Rogers (KY)	Smith (WA)	Weiner
Perriello	Scott (VA)	Schultz	King (IA)	Olson	Thompson (PA)	Rothman (NJ)	Snyder	Welch
Peterson	Serrano	Waters	Kingston	Paulsen	Thornberry	Roybal-Allard	Space	Wexler
Pierluisi	Sestak	Watson	Kirk	Pence	Upton	Ruppersberger	Speier	Wilson (OH)
Pingree (ME)	Shea-Porter	Watt	Kirkpatrick (AZ)	Petri	Wamp	Rush	Spratt	Wolf
Platts	Sherman	Waxman	Kline (MN)	Pitts	Westmoreland	Ryan (OH)	Stark	Woolsey
Polis (CO)	Shuler	Weiner	Kratovil	Poe (TX)	Whitfield	Sablan	Stupak	Wu
Pomeroy	Simpson	Welch	Lamborn	Posey	Wilson (SC)	Salazar	Sutton	Yarmuth
Price (NC)	Sires	Wexler	Latta	Price (GA)	Wittman	Sánchez, Linda	Tanner	Young (AK)
Quigley	Skelton	Whitfield	Lee (NY)	Putnam		T.	Taylor	Young (FL)
Rahall	Slaughter	Wilson (OH)	Linder	Radanovich				
Rangel	Smith (NJ)	Wolf	Lucas	Rehberg				
Reichert	Smith (WA)	Wu		Roe (TN)				
Reyes	Snyder	Yarmuth						
Richardson	Space	Young (AK)						

## NOT VOTING—6

Barrett (SC) Conyers Paul  
Bishop (UT) McCarthy (NY) Woolsey

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1758

So the amendment was rejected.

The result of the vote was announced as above recorded.

## PART A AMENDMENT NO. 12 OFFERED BY MR. STEARNS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 152, noes 279, not voting 8, as follows:

[Roll No. 626]

AYES—152

Aderholt	Brown (SC)	Crenshaw
Akin	Brown-Waite,	Culberson
Alexander	Ginny	Davis (KY)
Austria	Burgess	Deal (GA)
Bachmann	Burton (IN)	Dent
Bachus	Buyer	Diaz-Balart, L.
Bartlett	Calvert	Diaz-Balart, M.
Barton (TX)	Camp	Dreier
Biggart	Campbell	Duncan
Blackburn	Cantor	Emerson
Blunt	Capito	Fallin
Boehner	Carter	Flake
Bonner	Cassidy	Fleming
Bono Mack	Castle	Forbes
Boozman	Chaffetz	Fox
Boustany	Coble	Franks (AZ)
Brady (TX)	Coffman (CO)	Gallely
Bright	Cole	Garrett (NJ)
Broun (GA)	Conaway	Gerlach

## Abercrombie

Delahunt  
DeLauro  
Dicks  
Adler (NJ)

## Altmire

Andrews  
Arcuri  
Baca  
Baird  
Driehaus

Edwards (MD)  
Edwards (TX)

Ehlers  
Ellison  
Ellsworth

Berman  
Berry  
Eshoo

Bilbray  
Etheridge  
Faleomavaega

Bilirakis  
Farr  
Fattah

Blumenauer  
Filner  
Fortenberry

Boccieri  
Bordallo  
Poster  
Frank (MA)

Boren  
Boswell  
Frelinghuysen

Boucher  
Fudge  
Giffords

Boyd  
Gonzalez  
Gordon (TN)

Brady (PA)  
Braley (IA)  
Brown, Corrine

Brown, Corrine  
Buchanan  
Green, Al

Butterfield  
Cao  
Griffith

Capps  
Grijalva  
Gutierrez

Capuano  
Hall (NY)  
Halvorson

Cardoza  
Carnahan  
Hare

Carney  
Carson (IN)  
Harman

Castor (FL)  
Hastings (FL)  
Heinrich

Chandler  
Herseth Sandlin  
Higgins

Childers  
Christensen  
Hill

Chu  
Clarke  
Himes

Clay  
Hinchev  
Hinojosa

Cleaver  
Clyburn  
Hirono

Cohen  
Connolly (VA)  
Conyers

Cooper  
Costa  
Hoyer

Cooper  
Costello  
Inslie

Courtney  
Crowley  
Israel

Cuellar  
Jackson-Lee  
Johnson (IL)

Cummings  
Dahlkemper  
Johnson (GA)

Dahlkemper  
Johnson (GA)  
Johnson, E.B.

Davis (AL)  
Kagen  
Kanjorski

Davis (CA)  
Davis (IL)  
Davis (TN)

Davis (TN)  
DeFazio  
DeGette

DeFazio  
DeGette  
Kildee

## Kilpatrick (MI)

Kilroy  
Kind  
King (NY)

Kissell  
Klein (FL)  
Kosmas

Kucinich  
Langevin  
Larsen (WA)

Larson (CT)  
Latham  
LaTourette

Lee (CA)  
Levin  
Lewis (CA)

Lewis (GA)  
Lipinski  
LoBiondo

Loeb sack  
Lofgren, Zoe  
Lowey

Lujan  
Lynch  
Maffei

Maloney  
Markey (CO)  
Markey (MA)

Marshall  
Massa  
Matheson

Matsui  
McCollum  
McDermott

McGovern  
McHugh  
McIntyre

McNerney  
Meek (FL)  
Meeks (NY)

Melancon  
Mica  
Michaud

Miller (NC)  
Miller, George  
Mitchell

Mollohan  
Moore (KS)  
Moore (WI)

Moran (VA)  
Murphy (CT)  
Murphy (NY)

Murphy (NY)  
Murphy, Patrick  
Murphy, Tim

Murphy, Tim  
Murtha  
Nadler (NY)

Napolitano  
Neal (MA)  
Norton

Norton  
Oberstar  
Obey

Obey  
Olver  
Ortiz

Ortiz  
Pallone  
Pallone

Pallone  
Pallone  
Pallone

## NOT VOTING—8

Barrett (SC) McMahan Ross  
Bishop (UT) McMorris  
Marchant Rodgers  
McCarthy (NY) Paul

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains on this vote.

□ 1801

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. McMAHON. Mr. Chair, on rollcall No. 626, I inadvertently voted "present", and I meant to vote "no."

## PART B AMENDMENT NO. 1 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 108, noes 327, not voting 4, as follows:

[Roll No. 627]

AYES—108

Akin	Cantor	Gingrey (GA)
Bachmann	Cassidy	Goodlatte
Bartlett	Castle	Graves
Bilbray	Chaffetz	Heller
Blackburn	Coble	Hensarling
Blunt	Coffman (CO)	Herger
Boehner	Conaway	Hoekstra
Boozman	Cooper	Hunter
Boustany	Deal (GA)	Inglis
Brady (TX)	Duncan	Israel
Bright	Ehlers	Issa
Broun (GA)	Flake	Jenkins
Buchanan	Fleming	Johnson (IL)
Burgess	Forbes	Johnson, Sam
Burton (IN)	Fox	Jordan (OH)
Camp	Franks (AZ)	Kind
Campbell	Garrett (NJ)	King (IA)

Kingston  
Kirk  
Kline (MN)  
Lamborn  
Lance  
Latta  
Linder  
Luetkemeyer  
Lummis  
Lungren, Daniel E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry

NOES—327

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachus  
Baird  
Baldwin  
Barrow  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boccheri  
Bonner  
Boccheri  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite, Ginny  
Butterfield  
Buyer  
Calvert  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Castor (FL)  
Chandler  
Childers  
Christensen  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Cole  
Connolly (VA)  
Conyers  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)

McMorris  
Rodgers  
Miller (FL)  
Minnick  
Moran (KS)  
Myrick  
Neugebauer  
Nunes  
Olson  
Pence  
Petri  
Pitts  
Posey  
Price (GA)  
Rehberg  
Roe (TN)  
Rogers (MI)  
Rohrabacher  
Roskam  
Royce

Ryan (WI)  
Scalise  
Schauer  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Smith (NE)  
Stearns  
Sullivan  
Terry  
Thornberry  
Tiberi  
Upton  
Walden  
Wamp  
Westmoreland  
Wilson (SC)  
Wittman

Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
King (NY)  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowe  
Lucas  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCollum  
McDermott  
McGovern  
McHugh  
McIntyre  
McKeon  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Norton  
Nye  
Oberstar  
Obey  
Olver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)

Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pierluisi  
Pingree (ME)  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Reichert  
Reyes  
Richardson  
Rodriguez  
Rogers (AL)  
Rogers (KY)  
Rooney  
Ros-Lehtinen  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sablan  
Salazar

Barrett (SC)  
Bishop (UT)

Sánchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Taylor

NOT VOTING—4

McCarthy (NY)  
Paul

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains on the vote.

□ 1804

So the amendment was rejected. The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 4 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 105, noes 328, not voting 6, as follows:

[Roll No. 628]  
AYES—105

Akin  
Bachmann  
Bartlett  
Barton (TX)  
Bean  
Bilbray  
Blackburn  
Bono Mack  
Boustany  
Bright  
Broun (GA)  
Burgess  
Burton (IN)  
Campbell  
Cassidy  
Castle  
Chaffetz  
Coble

Coffman (CO)  
Conaway  
Cooper  
Deal (GA)  
Ehlers  
Fallin  
Flake  
Fleming  
Fortenberry  
Foster  
Fox  
Franks (AZ)  
Garrett (NJ)  
Garmert  
Goodlatte  
Graves  
Hall (TX)  
Harper

Teague  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tiahrt  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Whitfield  
Wilson (OH)  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

Linder  
Luetkemeyer  
Lummis  
Lungren, Daniel E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McMahon  
Miller (FL)  
Minnick  
Moran (KS)  
Myrick

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachus  
Baird  
Baldwin  
Barrow  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Blunt  
Boccheri  
Boehner  
Bonner  
Boozman  
Bordallo  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite, Ginny  
Buchanan  
Butterfield  
Buyer  
Calvert  
Camp  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Castor (FL)  
Chandler  
Childers  
Christensen  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Cole  
Connolly (VA)  
Conyers  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)

Neugebauer  
Nunes  
Nye  
Olson  
Paulsen  
Pence  
Petri  
Pitts  
Poe (TX)  
Price (GA)  
Roe (TN)  
Rogers (MI)  
Rohrabacher  
Rooney  
Roskam  
Royce  
Ryan (WI)  
Scalise

NOES—328

Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Faleomavaega  
Farr  
Fattah  
Filner  
Forbes  
Frank (MA)  
Frelinghuysen  
Fudge  
Gallegly  
Giffords  
Gingrey (GA)  
Gonzalez  
Gordon (TN)  
Granger  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee

Schauer  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Smith (NE)  
Souder  
Stearns  
Sullivan  
Terry  
Thornberry  
Upton  
Walden  
Wamp  
Westmoreland  
Wilson (SC)  
Kilpatrick (MI)  
Kilroy  
King (NY)  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowe  
Lucas  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCollum  
McDermott  
McGovern  
McHugh  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Norton  
Oberstar  
Obey  
Olver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson

Pierluisi	Schakowsky	Thompson (MS)	King (IA)	Miller (FL)	Scalise	Pierluisi	Schakowsky	Thompson (PA)
Pingree (ME)	Schiff	Thompson (PA)	Kingston	Minnick	Schauer	Pingree (ME)	Schiff	Tiahrt
Platts	Schmidt		Kirk	Moran (KS)	Schmidt	Polis (CO)	Schrader	Tierney
Polis (CO)	Schock		Kline (MN)	Myrick	Schock	Pomeroy	Schwartz	Titus
Pomeroy	Schrader		Neugebauer	Neugebauer	Sensenbrenner	Posey	Scott (GA)	Tonko
Posey	Schwartz		Lance	Nunes	Sessions	Price (NC)	Scott (VA)	Towns
Price (NC)	Scott (GA)		Latta	Olson	Shadegg	Quigley	Serrano	Tsongas
Putnam	Scott (VA)		Linder	Paulsen	Shimkus	Radanovich	Sestak	Turner
Quigley	Serrano		Luetkemeyer	Pence	Smith (NE)	Rahall	Shea-Porter	Van Hollen
Radanovich	Sestak		Lungren, Daniel	Petri	Souder	Rangel	Sherman	Velázquez
Rahall	Shea-Porter		E.	Pitts	Stearns	Rehberg	Shuler	Visclosky
Rangel	Sherman		Mack	Platts	Sullivan	Reichert	Shuster	Walz
Rehberg	Shuler		Manzullo	Poe (TX)	Taylor	Reyes	Simpson	Wasserman
Reichert	Shuster		Marchant	Price (GA)	Terry	Richardson	Sires	Schultz
Reyes	Simpson		McCarthy (CA)	Putnam	Thornberry	Rodriguez	Skelton	Waters
Richardson	Sires		McCaul	Roe (TN)	Tiberi	Rogers (AL)	Slaughter	Watson
Rodriguez	Skelton		McClintock	Rogers (MI)	Upton	Rogers (KY)	Smith (NJ)	Watt
Rogers (AL)	Slaughter		McCotter	Rohrabacher	Walden	Ros-Lehtinen	Smith (TX)	Waxman
Rogers (KY)	Smith (NJ)		McHenry	Rooney	Wamp	Ross	Smith (WA)	Weiner
Ros-Lehtinen	Smith (TX)		McMorris	Roskam	Westmoreland	Rothman (NJ)	Snyder	Welch
Ross	Smith (WA)		Rodgers	Royce	Wilson (SC)	Roybal-Allard	Space	Wexler
Rothman (NJ)	Snyder		Mica	Ryan (WI)	Wittman	Ruppersberger	Speier	Whitfield
Roybal-Allard	Space					Rush	Spratt	Whitfield
Ruppersberger	Speier					Ryan (OH)	Stark	Wilson (OH)
Rush	Spratt					Sablan	Stupak	Wolf
Ryan (OH)	Stark		Abercrombie	DeFazio	Kirkpatrick (AZ)	Salazar	Sutton	Woolsey
Sablan	Stupak		Ackerman	DeGette	Kissell	Sánchez, Linda	Tanner	Wu
Salazar	Sutton		Aderholt	Delahunt	Klein (FL)	T.	Teague	Yarmuth
Sánchez, Linda	Tanner		Adler (NJ)	DeLauro	Kosmas	Sanchez, Loretta	Thompson (CA)	Young (AK)
T.	Taylor		Alexander	Diaz-Balart, L.	Kratovich	Sarbanes	Thompson (MS)	Young (FL)
Sanchez, Loretta	Teague		Altmire	Diaz-Balart, M.	Kucinich			
Sarbanes	Thompson (CA)		Andrews	Dicks	Langevin			
			Arcuri	Dingell	Larsen (WA)			
			Baca	Doggett	Larson (CT)			
			Bachus	Donnelly (IN)	Latham			
			Baird	Dreier	LaTourette			
			Baldwin	Driehaus	Lee (CA)			
			Barrow	Edwards (MD)	Lee (NY)			
			Barton (TX)	Edwards (TX)	Levin			
			Becerra	Ellison	Lewis (CA)			
			Berkley	Ellsworth	Lewis (GA)			
			Berman	Emerson	Lipinski			
			Berry	Engel	LoBiondo			
			Bishop (GA)	Eshoo	Loebsack			
			Bishop (NY)	Etheridge	Lofgren, Zoe			
			Blumenauer	Faleomavaega	Lowey			
			Bocchieri	Farr	Lucas			
			Bonner	Fattah	Lujan			
			Bordallo	Filner	Lynch			
			Boren	Frank (MA)	Maffei			
			Boswell	Frelinghuysen	Maloney			
			Boucher	Fudge	Markey (CO)			
			Boyd	Gallegly	Markey (MA)			
			Brady (PA)	Gerlach	Marshall			
			Braley (IA)	Giffords	Massa			
			Brown (SC)	Gonzalez	Matheson			
			Brown, Corrine	Gordon (TN)	Matsui			
			Brown-Waite,	Granger	McCollum			
			Ginny	Grayson	McDermott			
			Buchanan	Green, Al	McGovern			
			Butterfield	Green, Gene	McHugh			
			Buyer	Griffith	McIntyre			
			Calvert	Grijalva	McKeon			
			Camp	Gutierrez	McMahon			
			Cao	Hall (NY)	McNerney			
			Capito	Hare	Meek (FL)			
			Capps	Harman	Meeks (NY)			
			Capuano	Harper	Melancon			
			Cardoza	Hastings (FL)	Michaud			
			Carnahan	Hastings (WA)	Miller (MI)			
			Carney	Heinrich	Miller (NC)			
			Carson (IN)	Herseth Sandlin	Miller, Gary			
			Carter	Higgins	Miller, George			
			Castor (FL)	Hill	Mitchell			
			Chandler	Himes	Mollohan			
			Childers	Hinchev	Moore (KS)			
			Christensen	Hinojosa	Moore (WI)			
			Chu	Hirono	Moran (VA)			
			Clarke	Hodes	Murphy (CT)			
			Clay	Holden	Murphy (NY)			
			Cleaver	Holt	Murphy, Patrick			
			Clyburn	Honda	Murphy, Tim			
			Cohen	Hoyer	Murtha			
			Cole	Inslie	Nadler (NY)			
			Connolly (VA)	Israel	Napolitano			
			Conyers	Jackson (IL)	Neal (MA)			
			Costa	Jackson-Lee	Norton			
			Costello	(TX)	Nye			
			Courtney	Johnson (GA)	Oberstar			
			Crenshaw	Johnson, E. B.	Obey			
			Crowley	Jones	Olver			
			Cuellar	Kagen	Ortiz			
			Culberson	Kanjorski	Pallone			
			Cummings	Kaptur	Pascrell			
			Dahlkemper	Kennedy	Pastor (AZ)			
			Davis (AL)	Kildee	Payne			
			Davis (CA)	Kilpatrick (MI)	Perlmutter			
			Davis (IL)	Kilroy	Petriello			
			Davis (KY)	King (NY)	Peters			
			Davis (TN)		Peterson			

NOES—310

NOT VOTING—5

NOT VOTING—6

Barrett (SC)	Gerlach	McCarthy (NY)
Bishop (UT)	Herger	Paul

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains in this vote.

□ 1807

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 7 OFFERED BY MR.

FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 124, noes 310, not voting 5, as follows:

[Roll No. 629]

AYES—124

Akin	Cantor	Garrett (NJ)
Austria	Cassidy	Gingrey (GA)
Bachmann	Castle	Gohmert
Bartlett	Chaffetz	Goodlatte
Bean	Coble	Graves
Biggert	Coffman (CO)	Guthrie
Bilbray	Conaway	Hall (TX)
Bilirakis	Cooper	Halvorson
Blackburn	Deal (GA)	Heller
Blunt	Dent	Hensarling
Boehner	Duncan	Herger
Bono Mack	Ehlers	Hoekstra
Boozman	Fallin	Hunter
Boustany	Flake	Inglis
Brady (TX)	Fleming	Issa
Bright	Forbes	Jenkins
Broun (GA)	Fortenberry	Johnson (IL)
Burgess	Foster	Johnson, Sam
Burton (IN)	Fox	Jordan (OH)
Campbell	Franks (AZ)	Kind

Abercrombie	DeFazio	Kirkpatrick (AZ)
Ackerman	DeGette	Kissell
Aderholt	Delahunt	Klein (FL)
Adler (NJ)	DeLauro	Kosmas
Alexander	Diaz-Balart, L.	Kratovich
Altmire	Diaz-Balart, M.	Kucinich
Andrews	Dicks	Langevin
Arcuri	Dingell	Larsen (WA)
Baca	Doggett	Larson (CT)
Bachus	Donnelly (IN)	Latham
Baird	Doyle	LaTourette
Baldwin	Dreier	Lee (CA)
Barrow	Driehaus	Lee (NY)
Barton (TX)	Edwards (MD)	Levin
Becerra	Edwards (TX)	Lewis (CA)
Berkley	Ellison	Lewis (GA)
Berman	Ellsworth	Lipinski
Berry	Emerson	LoBiondo
Bishop (GA)	Engel	Loebsack
Bishop (NY)	Eshoo	Lofgren, Zoe
Blumenauer	Etheridge	Lowey
Bocchieri	Faleomavaega	Lucas
Bonner	Farr	Lujan
Bordallo	Fattah	Lynch
Boren	Filner	Maffei
Boswell	Frank (MA)	Maloney
Boucher	Frelinghuysen	Markey (CO)
Boyd	Fudge	Markey (MA)
Brady (PA)	Gallegly	Marshall
Braley (IA)	Gerlach	Massa
Brown (SC)	Giffords	Matheson
Brown, Corrine	Gonzalez	Matsui
Brown-Waite,	Gordon (TN)	McCollum
Ginny	Granger	McDermott
Buchanan	Grayson	McGovern
Butterfield	Green, Al	McHugh
Buyer	Green, Gene	McIntyre
Calvert	Griffith	McKeon
Camp	Grijalva	McMahon
Cao	Gutierrez	McNerney
Capito	Hall (NY)	Meek (FL)
Capps	Hare	Meeks (NY)
Capuano	Harman	Melancon
Cardoza	Harper	Michaud
Carnahan	Hastings (FL)	Miller (MI)
Carney	Hastings (WA)	Miller (NC)
Carson (IN)	Heinrich	Miller, Gary
Carter	Herseth Sandlin	Miller, George
Castor (FL)	Higgins	Mitchell
Chandler	Hill	Mollohan
Childers	Himes	Moore (KS)
Christensen	Hinchev	Moore (WI)
Chu	Hinojosa	Moran (VA)
Clarke	Hirono	Murphy (CT)
Clay	Hodes	Murphy (NY)
Cleaver	Holden	Murphy, Patrick
Clyburn	Holt	Murphy, Tim
Cohen	Honda	Murtha
Cole	Hoyer	Nadler (NY)
Connolly (VA)	Inslie	Napolitano
Conyers	Israel	Neal (MA)
Costa	Jackson (IL)	Norton
Costello	Jackson-Lee	Nye
Courtney	(TX)	Oberstar
Crenshaw	Johnson (GA)	Obey
Crowley	Johnson, E. B.	Olver
Cuellar	Jones	Ortiz
Culberson	Kagen	Pallone
Cummings	Kanjorski	Pascrell
Dahlkemper	Kaptur	Pastor (AZ)
Davis (AL)	Kennedy	Payne
Davis (CA)	Kildee	Perlmutter
Davis (IL)	Kilpatrick (MI)	Petriello
Davis (KY)	Kilroy	Peters
Davis (TN)	King (NY)	Peterson

ANNOUNCEMENT BY THE CHAIR  
The CHAIR (during the vote). One minute remains on this vote.

□ 1810

So the amendment was rejected.  
The result of the vote was announced as above recorded.

Stated for:

Mrs. LUMMIS. Mr. Chair, on rollcall No. 629, I was detained unavoidably. Had I been present, I would have voted “aye.”

PART B AMENDMENT NO. 8 OFFERED BY MR.

FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 125, noes 310, not voting 4, as follows:

[Roll No. 630]

AYES—125

Akin	Brown-Waite,	Emerson
Austria	Ginny	Fallin
Bachmann	Burgess	Flake
Bartlett	Burton (IN)	Fleming
Bean	Campbell	Forbes
Bilbray	Cantor	Fortenberry
Bilirakis	Cassidy	Fox
Blackburn	Castle	Franks (AZ)
Blunt	Chaffetz	Garrett (NJ)
Boehner	Coble	Gingrey (GA)
Bono Mack	Coffman (CO)	Gohmert
Boozman		

Hensarling  
Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jordan (OH)  
Kind  
King (IA)  
Kingston  
Kirk  
Kline (MN)  
Lamborn  
Lance  
Latta  
Linder  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant

NOES—310

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Alexander  
Altmire  
Andrews  
Arcuri  
Baca  
Bachus  
Baird  
Baldwin  
Barrow  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bishop (GA)  
Bishop (NY)  
Blumenauber  
Bocchieri  
Bonner  
Bordallo  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Brown (SC)  
Brown, Corrine  
Buchanan  
Butterfield  
Buyer  
Calvert  
Camp  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Castor (FL)  
Chandler  
Childers  
Christensen  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Cole  
Connolly (VA)  
Conyers  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)

McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McMorris  
Rodgers  
Miller (FL)  
Minnick  
Moran (KS)  
Myrick  
Neugebauer  
Nunes  
Olson  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Price (GA)  
Putnam  
Roe (TN)  
Rogers (MI)  
Rohrabacher  
Rooney

Roskam  
Royce  
Ryan (WI)  
Scalise  
Schauer  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Smith (NE)  
Souder  
Stearns  
Sullivan  
Terry  
Thornberry  
Tiberi  
Upton  
Walden  
Wamp  
Westmoreland  
Wilson (SC)  
Wittman  
Young (FL)

Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Faleomavaega  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Frelinghuysen  
Fudge  
Gallegly  
Gerlach  
Giffords  
Gonzalez  
Gordon (TN)  
Granger  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
McIntyre  
McKeon  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Norton  
Nye  
Oberstar

Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
King (NY)  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Loftgren, Zoe  
Lowey  
Lucas  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCollum  
McDermott  
McGovern  
McHugh  
McIntyre  
McKeon  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Norton  
Nye  
Oberstar

Obey  
Oliver  
Ortiz  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Perlmutter  
Perrillo  
Peters  
Peterson  
Pierluisi  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Quigley  
Radanovich  
Rahall  
Rangel  
Reichberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Rogers (AL)  
Rogers (KY)  
Ros-Lehtinen  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush

Barrett (SC)  
Bishop (UT)

Ryan (OH)  
Sablan  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner

McCarthy (NY)  
Paul

Taylor  
Teague  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tiahrt  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Whitfield  
Wilson (OH)  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)

Lungren, Daniel  
Mack  
Manzullo  
Marchant  
McCaul  
McClintock  
McCotter  
McHenry  
McMahon  
Miller (FL)  
Minnick  
Moran (KS)  
Myrick  
Neugebauer

NOES—331

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Alexander  
Altmire  
Andrews  
Arcuri  
Baca  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Blumenauber  
Blunt  
Bocchieri  
Bonner  
Boozman  
Bordallo  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Butterfield  
Buyer  
Calvert  
Camp  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Castle  
Castor (FL)  
Chandler  
Childers  
Christensen  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Cohen  
Cole  
Connolly (VA)  
Conyers  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)

Nunes  
Nye  
Olson  
Paulsen  
Pence  
Petri  
Sessions  
Poe (TX)  
Price (GA)  
Roe (TN)  
Rogers (MI)  
Rohrabacher  
Rooney  
Roskam  
Royce

NOES—331

Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Faleomavaega  
Farr  
Fattah  
Filner  
Forbes  
Frank (MA)  
Frelinghuysen  
Fudge  
Gallegly  
Gerlach  
Giffords  
Gonzalez  
Gordon (TN)  
Granger  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchev  
Hinojosa  
Hirono  
Hodes  
Holden  
Honda  
Hoyer  
Inslie  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (IL)  
Johnson, E. B.  
Jones  
Kagen  
Kanjorski  
Kuellar  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
King (NY)  
Kirk  
Kirkpatrick (AZ)

Ryan (WI)  
Scalise  
Schauer  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Smith (NE)  
Sullivan  
Thornberry  
Wamp  
Westmoreland  
Wilson (SC)

NOES—331

Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Loftgren, Zoe  
Lowey  
Lucas  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCollum  
McDermott  
McGovern  
McHugh  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (MI)  
Miller, Gary  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Norton  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Perlmutter  
Perrillo  
Peters  
Peterson  
Kaptur  
Kennedy  
Pingree (ME)  
Platts  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Putnam

NOT VOTING—4

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains in this vote.

□ 1813

So the amendment was rejected. The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 9 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 98, noes 331, not voting 10, as follows:

[Roll No. 631]

AYES—98

Akin  
Austria  
Bachmann  
Bean  
Bilbray  
Blackburn  
Boehner  
Bono Mack  
Boustany  
Bright  
Broun (GA)  
Burgess  
Burton (IN)  
Campbell  
Cantor  
Cassidy  
Chaffetz  
Coffman (CO)

Conaway  
Cooper  
Deal (GA)  
Fallin  
Flake  
Fleming  
Fortenberry  
Poster  
Fox  
Franks (AZ)  
Garrett (NJ)  
Gingrey (GA)  
Gohmert  
Goodlatte  
Graves  
Harper  
Heller  
Hensarling

Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson, Sam  
Jordan (OH)  
Kind  
Kingston  
Kline (MN)  
Lamborn  
Lance  
Latta  
Lee (NY)  
Linder  
Luetkemeyer  
Lummis

Quigley Serrano Tierney McHenry Price (GA) Smith (NE) Rahall Scott (GA) Tiahrt  
 Radanovich Sestak Titus McMorris Roe (TN) Souder Scott (VA) Tierney  
 Rahall Shea-Porter Tonko Rogers (MI) Stearns Rangel Scott (VA) Titus  
 Rangel Sherman Towns Miller (FL) Rohrabacher Sullivan Rehberg Serrano Titus  
 Rehberg Shuler Tsongas Olson Roskam Terry Reyes Sestak Tonko  
 Reichert Shuster Turner Moran (KS) Royce Richardson Shea-Porter Towns  
 Reyes Simpson Upton Myrick Neugebauer Rodriguez Sherman Tsongas  
 Richardson Sires Van Hollen Neugebauer Shuler Turner Van Hollen  
 Rodriguez Skelton Velázquez Nunes Schauer Schmitz Upton Velázquez  
 Rogers (AL) Slaughter Visclosky Olson Schmidt Walden Walden Simpson Velázquez  
 Rogers (KY) Smith (NJ) Walzen Pence Sensenbrenner Sires Visclosky  
 Ros-Lehtinen Smith (TX) Walz Petri Sessions Sessions Ross Skelton Walz  
 Ross Smith (WA) Wasserman Pitts Shadegg Wilson (SC) Skelton Walz  
 Rothman (NJ) Snyder Schultz Poe (TX) Wittman Wilson (SC) Skelton Walz  
 Roybal-Allard Souder Waters Schultz Wasserman Schultz Wasserman Schultz  
 Ruppertsberger Space Watson Waters Schultz Wasserman Schultz Wasserman Schultz  
 Rush Speier Watt Whitfield Whitfield Whitfield  
 Ryan (OH) Spratt Waxman Abercrombie DeLauro Kucinich Ryan (OH) Ryan (OH)  
 Sablan Stark Weiner Aderholt Dent Langelvin Sablan Sablan  
 Salazar Stearns Welch Aderholt Diaz-Balart, L. Diaz-Balart, M. Larsen (WA)  
 Sánchez, Linda Stupak Wexler Alexander Dicks Dingell Lee (CA) Larson (CT)  
 T. Sutton Whitfield Lee (CA) Larson (CT) Latham LaTourette  
 Sanchez, Loretta Tanner Wilson (OH) Altmore Doggett Lee (CA) Larson (CT)  
 Sarbanes Taylor Wittman Arcuri Donnelly (IN) Lee (NY) Lee (NY)  
 Schakowsky Teague Wolf Doyle Dreier Driehaus Edwards (MD) Edwards (TX)  
 Schiff Thompson (CA) Woolsey Wu Baird Baldwin Barrow Barton (TX)  
 Schrader Thompson (MS) Wu Baird Baldwin Barrow Barton (TX)  
 Schwartz Thompson (PA) Yarmuth Young (AK) Young (FL)  
 Scott (GA) Tiahrt Young (FL) Young (FL) Young (FL) Young (FL)  
 Scott (VA) Tiberi Young (FL) Young (FL) Young (FL) Young (FL)

NOT VOTING—10

Barrett (SC) Johnson (GA) Paul  
 Bishop (UT) King (IA) Terry  
 Doggett McCarthy (NY)  
 Holt Miller (NC)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains in the vote.

□ 1816

So the amendment was rejected. The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 10 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 105, noes 329, not voting 5, as follows:

[Roll No. 632]

AYES—105

Akin Conaway Jenkins  
 Austria Deal (GA) Johnson (IL)  
 Bachmann Duncan Johnson, Sam  
 Bartlett Ehlers Jordan (OH)  
 Bilbray Fallin Kind  
 Blackburn Flake King (IA)  
 Blunt Fleming Kirk  
 Boehner Forbes Kline (MN)  
 Bono Mack Fortenberry Lamborn  
 Boozman Foxx Lance  
 Boustany Garrett (NJ) Latta  
 Brady (TX) Gingrey (GA) Linder  
 Bright Gohmert Luetkemeyer  
 Broun (GA) Goodlatte Lummis  
 Burgess Graves Lungren, Daniel  
 Burton (IN) Hall (TX) E.  
 Campbell Heller Mack  
 Cantor Hensarling Marchant  
 Cassidy Herger McCarthy (CA)  
 Castle Hoekstra McCaul  
 Coble Inglis McClintock  
 Coffman (CO) Issa McCotter

Rogers (MI) Miller (FL)  
 Tsongas Olson  
 Turner Moran (KS)  
 Upton Myrick  
 Van Hollen Neugebauer  
 Velázquez Nunes  
 Visclosky Olson  
 Walden Pence  
 Walz Petri  
 Wasserman Pitts  
 Schultz Poe (TX)

NOES—329

Abercrombie DeLauro Kucinich  
 Ackerman Dent Langelvin  
 Aderholt Diaz-Balart, L. Diaz-Balart, M. Larsen (WA)  
 Adler (NJ) Larson (CT) Latham LaTourette  
 Alexander Dicks Dingell Lee (CA) Larson (CT)  
 Altmore Doggett Lee (CA) Larson (CT)  
 Andrews Donnelly (IN) Lee (NY) Lee (NY)  
 Arcuri Doyle Dreier Driehaus  
 Baca Bachus Edwards (MD) Edwards (TX)  
 Baird Baldwin Barrow Barton (TX)  
 Ellison Ellsworth Emerson  
 Engel Eshoo Etheridge  
 Berman Berry Faleomavaega  
 Biggert Farr Fattah  
 Bilirakis Bishop (GA) Filner  
 Bishop (NY) Foster  
 Blumenauer Frank (MA)  
 Boccieri Frelinghuysen  
 Bonner Fudge  
 Bordallo Gallegly Gerlach  
 Boren Boswell Giffords  
 Boswell Gerlach Giffords  
 Boucher Gonzalez  
 Brady (PA) Gordon (TN)  
 Braley (IA) Granger  
 Brown (SC) Grayson  
 Brown, Corrine Green, Al  
 Brown-Waite, Gene Griffith  
 Ginny Griffith  
 Buchanan Grijalva  
 Butterfield Guthrie  
 Buyer Gutierrez  
 Calvert Hall (NY)  
 Camp Halvorson  
 Cao Hare  
 Capito Harman  
 Capps Harper  
 Capuano Hastings (FL)  
 Cardoza Hastings (WA)  
 Carnahan Heinrich  
 Carney Herseth Sandlin  
 Carson (IN) Higgins  
 Carter Hill  
 Castor (FL) Himes  
 Chaffetz Hinchey  
 Chandler Hinojosa  
 Childers Hirono  
 Christensen Hodes  
 Chu Holden  
 Clarke Holt  
 Clay Honda  
 Cleaver Hoyer  
 Clyburn Hunter  
 Cohen Inslee  
 Cole Israel  
 Connolly (VA) Jackson (IL)  
 Conyers Jackson-Lee  
 Cooper (TX)  
 Costa Johnson (GA)  
 Costello Johnson, E. B.  
 Courtney Jones  
 Crenshaw Kagen  
 Crowley Kanjorski  
 Cuellar Kaptur  
 Culberson Kennedy  
 Cummings Kildee  
 Dahlkemper Kilpatrick (MI)  
 Davis (AL) Kilroy  
 Davis (CA) King (NY)  
 Davis (IL) Kingston  
 Davis (KY) Kirkpatrick (AZ)  
 Davis (TN) Kissell  
 DeFazio Klein (FL)  
 DeGette Kosmas  
 Delahunt Kratovil

Scott (GA) Tiahrt  
 Scott (VA) Tierney  
 Serrano Titus  
 Sestak Tonko  
 Shea-Porter Towns  
 Sherman Tsongas  
 Shuler Turner  
 Shuster Van Hollen  
 Simpson Velázquez  
 Sires Visclosky  
 Skelton Walz  
 Slaughter Wasserman  
 Smith (NJ) Schultz  
 Smith (TX) Waters  
 Smith (WA) Watson  
 Snyder Watt  
 Ryan (OH) Waxman  
 Sablan Weiner  
 Salazar Welch  
 Sánchez, Linda Stark Wexler  
 T. Stupak Whitfield  
 Sanchez, Loretta Sutton Wilson (OH)  
 Sarbanes Tanner Wolf  
 Schakowsky Taylor Woolsey  
 Schiff Teague Wu  
 Schick Thompson (CA) Yarmuth  
 Schrader Thompson (MS) Young (AK)  
 Schwartz Thompson (PA) Young (FL)

NOT VOTING—5

Barrett (SC) Franks (AZ) Paul  
 Bishop (UT) McCarthy (NY)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1819

So the amendment was rejected. The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 11 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 105, noes 329, not voting 5, as follows:

[Roll No. 633]

AYES—105

Akin Flake Lance  
 Austria Fleming Latta  
 Bachmann Foxx Linder  
 Bartlett Franks (AZ) Luetkemeyer  
 Bilbray Garrett (NJ) Lummis  
 Blackburn Gingrey (GA) Lungren, Daniel  
 Boehner Goodlatte E.  
 Bono Mack Graves Mack  
 Boozman Harper Marchant  
 Boustany Heller McCarthy (CA)  
 Brady (TX) Hensarling McCaul  
 Bright Herger McClintock  
 Broun (GA) Hoekstra McCotter  
 Burgess Hunter McHenry  
 Burton (IN) Inglis McMorris  
 Campbell Issa Rodgers  
 Cantor Jenkins Miller (FL)  
 Cassidy Johnson (IL) Minnick  
 Chaffetz Johnson, Sam Moran (KS)  
 Coffman (CO) Jordan (OH) Myrick  
 Conaway Kind Neugebauer  
 Cooper King (IA) Nunes  
 Deal (GA) Kingston Olson  
 Duncan Kirk Paulsen  
 Ehlers Kline (MN) Pence  
 Fallin Lamborn Petri





back to the House forthwith with the following amendment:

Page 4, strike lines 11 through 16, and insert the following:

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$10,233,000.

Page 7, strike line 16 and all that follows through line 23 on page 10, and insert the following:

FEDERAL AVIATION ADMINISTRATION OPERATIONS (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108-176, \$9,335,798,000, of which \$5,190,798,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$7,300,739,000 shall be available for air traffic organization activities; not to exceed \$1,231,765,000 shall be available for aviation safety activities; not to exceed \$14,737,000 shall be available for commercial space transportation activities; not to exceed \$113,681,000 shall be available for financial services activities; not to exceed \$100,428,000 shall be available for human resources program activities; not to exceed \$330,607,000 shall be available for region and center operations and regional coordination activities; not to exceed \$190,063,000 shall be available for staff offices; and not to exceed \$49,778,000 shall be available for information services: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary utilize not less than \$17,084,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108-176: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation

as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, including funds from fees authorized under Chapter 453 of title 49, United States Code, other than those authorized by Section 45301(a)(1) of that title, which shall be available for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than \$9,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That of the funds available under this heading not to exceed \$500,000 shall be provided to the Department of Transportation's Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code, and not to exceed \$120,000 shall be provided to that office through reimbursement to conduct the annual Enterprise Services Center Statement on Auditing Standards 70 audit: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

Page 12, strike lines 12 through 25, and insert the following:

RESEARCH, ENGINEERING, AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$180,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2012: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

Page 38, strike lines 1 through 15, and insert the following:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109-59 and chapter 301 and part C of subtitle VI of title 49, United States Code, \$129,774,000, of which \$32,045,000 shall remain available until September 30, 2011: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

Page 39, strike line 21 and all that follows through line 2 on page 40.

Page 42, strike lines 18 through 23, and insert the following:

FEDERAL RAILROAD ADMINISTRATION SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided

for, \$168,770,000 of which \$15,300,000 shall remain available until September 30, 2011.

Page 44, strike line 1 and all that follows through line 13 on page 46, and insert the following:

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

To enable the Secretary of Transportation to make passenger rail grants for capital projects as authorized under sections 26106 and 24406 of title 49, United States Code; the acquisition of new rolling stock; and to enter into cooperative agreements for these purposes, \$1,000,000,000, to remain available until September 30, 2015: *Provided*, That \$50,000,000 of funds provided under this paragraph are available to the Administrator of the Federal Railroad Administration to fund the award and oversight of financial assistance made under this paragraph: *Provided further*, That up to \$30,000,000 of the funds provided under this paragraph are available to the Administrator for the purposes of conducting research and demonstrating technologies supporting the development of passenger rail service that is expected to maintain an average speed of 110 miles per hour or is reasonably expected to reach speeds of at least 150 miles per hour, including the implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: *Provided further*, That up to \$50,000,000 of the funds provided under this paragraph may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator or a state rail plan consistent with chapter 227 of title 49, United States Code: *Provided further*, That the Secretary shall issue regulations covering application procedures and grant criteria for the passenger rail grants provided under this paragraph: *Provided further*, That the Federal share payable of the costs for which financial assistance is made under this paragraph shall not exceed 80 percent: *Provided further*, That in addition to the provisions of title 49, United States Code, that apply to the passenger rail programs funded under this paragraph, sections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this paragraph: *Provided further*, That a project need not be in a state rail plan developed under chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: *Provided further*, That up to \$5,000,000 of the funds provided under this paragraph are available to the Administrator for the purposes of implementing section 24316 of title 49, United States Code.

Page 62, strike lines 11 through 21, and insert the following:

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION OPERATIONAL EXPENSES (PIPELINE SAFETY FUND)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, \$18,968,000, of which \$639,000 shall be derived from the Pipeline Safety Fund: *Provided*, That \$1,000,000 shall be transferred to "Pipeline Safety" in order to fund "Pipeline Safety Information Grants to Communities" as authorized under section 60130 of title 49, United States Code.

Page 62, strike line 22 and all that follows through line 11 on page 63, and insert the following:

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$35,500,000, of which \$2,699,000

shall remain available until September 30, 2012: *Provided*, That up to \$800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from states, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

Page 65, strike line 19 and all that follows through line 8 on page 66, and insert the following:

SURFACE TRANSPORTATION BOARD  
SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$27,032,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, to result in a final appropriation from the general fund estimated at no more than \$25,782,000.

Page 78, strike line 6 and all that follows through line 7 on page 85, and insert the following:

PUBLIC AND INDIAN HOUSING  
TENANT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 143711 et seq.) (“the Act” herein), not otherwise provided for, \$13,911,000,000, to remain available until expended, shall be available on October 1, 2009 (in addition to the \$4,000,000,000 previously appropriated under this heading that will become available on October 1, 2009), and \$4,000,000,000, to remain available until expended, shall be available on October 1, 2010: *Provided*, That the amounts made available under this heading are provided as follows:

(1) \$16,189,200,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose vouchers initially funded in fiscal year 2008 and 2009 (such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Non-elderly Disabled Vouchers): *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2010 funding cycle shall provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recent Federal fiscal year and by applying the most recent Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to family self-sufficiency program escrow accounts or first-time renewals including tenant protection or HOPE VI vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency’s authorized level of units under contract: *Provided further*, That the Secretary shall, to the extent necessary

to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency’s allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the last two provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: *Provided further*, That the Secretary may extend the 60-day notification period with the written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That up to \$150,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for adjustments for public housing agencies with voucher leasing rates at the end of the calendar year that exceed the average leasing for the 12-month period used to establish the allocation; (3) for adjustments for the costs associated with VASH vouchers; or (4) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act.

(2) \$103,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106-569, as amended, or under the authority as provided under this Act: *Provided*, That the Secretary may provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject to the availability of funds.

(3) \$1,493,800,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: *Provided*, That no less than \$1,443,800,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2010 fund-

ing cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2009 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities.

(4) \$75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over.

(5) \$50,000,000 shall be for family self-sufficiency coordinators under section 23 of the Act.

Page 85, strike line 21 and all that follows through line 14 on page 87, and insert the following:

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the “Act”) \$2,244,000,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2010 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian

Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term “obligate” means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That up to \$15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further*, That of the total amount provided under this heading, not to exceed \$20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters, excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.), occurring in fiscal year 2010: *Provided further*, That of the total amount provided under this heading, \$50,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z-6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That of the total amount provided under this heading, up to \$8,820,000 is to support the costs of administrative and judicial receiverships: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2010 to public housing agencies that are designated high performers.

Page 87, strike lines 15 through 19, and insert the following:

#### PUBLIC HOUSING OPERATING FUND

For 2010 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), \$4,600,000,000.

Page 88, strike line 13 and all that follows through line 23 on page 89, and insert the following:

#### NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), \$645,000,000, to remain available until expended: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, \$3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and \$4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to \$300,000 for related travel: *Provided*

*further*, That of the amount provided under this heading, \$2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$18,000,000.

Page 90, strike lines 1 through 9, and insert the following:

#### NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), \$10,000,000, to remain available until expended: *Provided*, That of this amount, \$300,000 shall be for training and technical assistance activities, including up to \$100,000 for related travel by Hawaii-based HUD employees.

Page 91, strike lines 12 through 24, and insert the following:

#### COMMUNITY PLANNING AND DEVELOPMENT HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$310,000,000, to remain available until September 30, 2011, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2012: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section.

Page 92, strike line 1 and all that follows through line 16 on page 95, and insert the following:

#### COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$4,450,000,000, to remain available until September 30, 2012, unless otherwise specified: *Provided*, That of the total amount provided, \$4,016,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the “Act” herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That \$65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to \$3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, \$151,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: *Provided*, That none of the funds provided

under this paragraph may be used for program operations: *Provided further*, That, for fiscal years 2008, 2009 and 2010, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, \$18,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

The referenced statement of the managers under this heading “Community Planning and Development” in title II of division K of Public Law 110-161 is deemed to be amended by striking “Custer County, ID for acquisition of an unused middle school building” and inserting “Custer County, ID, to construct a community center”.

The referenced statement of the managers under this heading “Community Planning and Development” in title II of division I of Public Law 111-8 is deemed to be amended by striking “Custer County, ID, to purchase a middle school building” and inserting “Custer County, ID, to construct a community center”.

Of the amounts made available under this heading, \$150,000,000 shall be made available for a Sustainable Communities Initiative to stimulate improved regional planning efforts that integrate housing and transportation decisions, and to challenge communities to reform zoning and land use ordinances: *Provided*, That \$100,000,000 shall be for Regional Planning Grants to support the linking of transportation and land use planning: *Provided further*, That \$40,000,000 shall be for Metropolitan Challenge Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: *Provided further*, That up to \$10,000,000 shall be for a joint Department of Housing and Urban Development and Department of Transportation research effort that shall include a rigorous evaluation of the Regional Planning Grants and Metropolitan Challenge Grants programs: *Provided further*, That of the amounts made available under this heading, \$25,000,000 shall be made available for the Rural Innovation Fund to address the problems of concentrated rural housing distress and community poverty: *Provided further*, That of the amounts made available under this heading, \$25,000,000 shall be made available for the University Community Fund for grants to assist universities in revitalizing their surrounding communities, with special attention to Historically Black Colleges and Universities, Tribal Colleges and Universities, Alaska Native/Native Hawaiian Institutions, and Hispanic-Serving Institutions: *Provided further*, That the Secretary shall develop and publish guidelines for the use of such competitive funds including, but not limited to, eligibility criteria, minimum grant amounts, and performance metrics.

Page 96, strike lines 6 through 14.

Page 96, strike line 15 and all that follows through line 2 on page 97, and insert the following:

#### HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the

Cranston-Gonzalez National Affordable Housing Act, as amended (42 U.S.C. 12721 et seq.), \$1,825,000,000, to remain available until September 30, 2012: *Provided*, That funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

Page 97, strike lines 3 through 23, and insert the following:

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended (42 U.S.C. 12805 note), \$77,000,000, to remain available until September 30, 2012: *Provided*, That of the total amount provided under this heading, \$27,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That \$46,500,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than \$10,000,000 may be made available for rural capacity building activities: *Provided further*, That \$3,500,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110-246.

Page 98, strike line 1 and all that follows through line 2 on page 100, and insert the following:

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, \$1,793,715,000, of which \$1,788,715,000 shall remain available until September 30, 2012, and of which \$5,000,000 shall remain available until expended for rehabilitation projects with 10-year grant terms: *Provided*, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program shall be used for permanent housing for individuals and families: *Provided further*, That all funds awarded for services shall be matched by not less than 25 percent in funding by each grantee: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and

integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That up to \$8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2010.

Page 100, strike line 3 and all that follows through line 10 on page 102, and insert the following:

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, \$7,706,328,000, to remain available until expended, shall be available on October 1, 2009, and \$393,672,000, to remain available until expended, shall be available on October 1, 2010: *Provided*, That the amounts made available under this heading are provided as follows:

(1) Up to \$7,868,000,000 shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Not less than \$232,000,000 but not to exceed \$258,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: *Provided*, That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z-1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z-1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2)); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667).

(3) Amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund" may be used for renewals of or amendments to section 8 project-based

contracts or for performance based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

Page 102, strike line 11 and all that follows through line 6 on page 104, and insert the following:

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701(q)), as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, \$765,000,000, to remain available until September 30, 2013, of which up to \$637,000,000 shall be for capital advance and project based rental assistance awards: *Provided*, That, of the amount provided under this heading, up to \$90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to \$25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: *Provided further*, That of the amount made available under this heading, \$20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further*, That up to \$2,000,000 of the total amount made available under this heading shall be for technical assistance to improve grant applications and to facilitate the development of housing for the elderly under section 202 of the Housing Act of 1959, and supportive housing for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

Page 104, strike line 7 and all that follows through line 14 on page 105, and insert the following:

HOUSING FOR PERSONS WITH DISABILITIES

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, \$250,000,000, of which up to \$114,000,000 shall be for capital advances and project-based rental assistance

contracts, to remain available until September 30, 2013:

*Provided further*, That, of the amount provided under this heading, \$87,100,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): *Provided further*, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

Page 146, strike line 20 and all that follows through line 4 on page 47, and insert the following:

ARCHITECTURAL AND TRANSPORTATION  
BARRIERS COMPLIANCE BOARD  
SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$7,000,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

Page 147, strike line 16 and all that follows through line 8 on page 148, and insert the following:

NATIONAL TRANSPORTATION SAFETY BOARD  
SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902) \$95,400,000 of which not to exceed \$2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease. Of the funds provided, up to \$100,000 shall be provided through reimbursement to the Department of Transportation's Office of Inspector General to audit the National Transportation Safety Board's financial statements.

Page 148, strike line 9 and all that follows through line 8 on page 153, and insert the following:

NEIGHBORHOOD REINVESTMENT CORPORATION  
PAYMENT TO THE NEIGHBORHOOD  
REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$133,000,000: *Provided*, That Section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104(a)) is amended by adding at the end of the first sentence, prior to the period, “, except that the board-appointed officers may be paid salary at a rate not to exceed level II of the Executive Schedule”: *Provided further*, That in addition, \$33,800,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation (“NRC”), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures primarily in the subprime housing market to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of subprime mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a workout strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to \$3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default. Such reports shall identify successful strategies and methods for preserving homeownership and the long-term affordability of at risk mortgages and shall include recommended efforts that will or likely can assist in the success of this program as well as an analysis of any policy and procedures that failed to result in successful mortgage foreclosure mitigation. The report shall include an analysis of the details and use of any post mitigation counseling of assisted borrowers designed to ensure the continued long-term affordability of the mortgages which were the subject of the mortgage foreclosure mitigation assistance.

Mr. OLVER (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. ISSA. Objection.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

Mr. LATHAM (during the reading.) Mr. Speaker, I withdraw the motion to recommit.

The SPEAKER pro tempore. The motion to recommit is withdrawn.

MOTION TO RECOMMIT

Mr. LATHAM. Mr. Speaker, I have a motion to recommit at the desk.

Mr. OLVER. Mr. Speaker, I reserve a point of order on the motion.

The SPEAKER pro tempore. The point of order is reserved.

Is the gentleman opposed to the bill?

Mr. LATHAM. In its present form, I am, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Latham moves to recommit the bill H.R. 3288 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 4, line 16, after the dollar amount insert “(reduced by \$4,500,000)”.

Page 8, line 3, after the dollar amount insert “(reduced by \$11,370,000)”.

Page 8, line 13, after the dollar amount insert “(reduced by \$11,370,000)”.

Page 12, line 19, after the dollar amount insert “(reduced by \$15,000,000)”.

Page 38, line 7, after the first dollar amount insert “(reduced by \$1,962,000)”.

Page 39, strike line 21 and all the follows through line 2 on page 40.

Page 42, line 21, after the dollar amount insert “(reduced by \$3,763,000)”.

Page 44, line 8, after the dollar amount insert “(reduced by Page \$3,000,000)”.

Page 45, beginning on line 21 strike “Provided further, That if” and all that follows through line 13 on page 46.

Page 62, line 17, after the first dollar amount insert “(reduced by \$1,000,000)”.

Page 62, line 25, after the dollar amount insert “(reduced by \$1,000,000)”.

Page 65, line 23, after the dollar amount insert “(reduced by \$2,768,000)”.

Page 66, line 8, after the dollar amount insert “(reduced by \$2,768,000)”.

Page 78, line 12, after the dollar amount insert “(reduced by \$331,000,000)”.

Page 78, line 20, after the dollar amount insert “(reduced by \$198,000,000)”.

Page 81, line 9, after the dollar amount insert “(reduced by \$17,000,000)”.

Page 82, line 10, after the dollar amount insert “(reduced by \$106,200,000)”.

Page 85, line 6, after the dollar amount insert “(reduced by \$10,000,000)”.

Page 86, line 1, after the dollar amount insert “(reduced by \$256,000,000)”.

Page 87, line 19, after the dollar amount insert “(reduced by \$200,000,000)”.

Page 88, line 17, after the dollar amount insert “(reduced by \$105,000,000)”.

Page 90, line 5, after the dollar amount insert “(reduced by \$2,000,000)”.

Page 91, line 17, after the dollar amount insert “(reduced by \$40,000,000)”.

Page 92, line 5, after the dollar amount insert “(reduced by \$150,607,000)”.

Page 96, strike lines 6 through 14.

Page 96, line 19, after the dollar amount insert “(reduced by \$175,000,000)”.

Page 97, line 8, after the dollar amount insert “(reduced by \$8,000,000)”.

Page 97, line 15, after the dollar amount insert “(reduced by \$6,500,000)”.

Page 97, line 20, after the dollar amount insert “(reduced by \$1,500,000)”.

Page 98, line 12, after the first and second dollar amounts insert “(reduced by \$56,285,000)”.

Page 100, line 8, after the dollar amount insert “(reduced by \$606,328,000)”.

Page 100, line 14, after the dollar amount insert “(reduced by \$606,328,000)”.

Page 102, line 20, after the dollar amount insert “(reduced by \$235,000,000)”.

Page 102, line 22, after the dollar amount insert “(reduced by \$235,000,000)”.

Page 104, line 20, after the dollar amount insert “(reduced by \$100,000,000)”.

Page 104, line 21, after the dollar amount insert “(reduced by \$100,000,000)”.

Page 147, line 1, after the dollar amount insert “(reduced by \$200,000)”.

Page 147, line 24, after the first dollar amount insert “(reduced by \$3,800,000)”.

Page 148, line 22, after the dollar amount insert “(reduced by \$30,000,000)”.

□ 1915

The SPEAKER pro tempore. Does the gentleman from Massachusetts continue to reserve his point of order?

Mr. OLVER. I do not. I withdraw my point of order.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Mr. Speaker, I thank you very much. I want to wish the Members a good evening. I'm sorry about the delay here.

Mr. Speaker, this motion to recommit is really quite simple. It simply reduces the accounts that exceed the lev-

els recommended in the budget request back down to the President's proposed level. I'm quite confident the funding levels proposed by the President are sufficient, and frankly, if the higher levels of funding were required, the budget request would have identified higher funding levels.

Let me say again that I would be a strong supporter of this bill if the funding levels weren't so astronomically out of proportion with the current reality. I hold a very positive view of Chairman OLVER and admire his thoughtful and fair approach to this bill, but a 25 percent increase over the funding level of fiscal year '09 is absurd, especially in the context of the huge sums of funding provided to the Department of Transportation and HUD through the stimulus bill. This bill would fund these agencies at \$68 billion on top of the more than \$61.8 billion they received through the stimulus. How can these agencies possibly spend through this funding in an efficient and effective manner?

So in response to this reckless pattern, my motion would reduce the bill's bottom line by cutting only those accounts that were funded over and above the President's request. This motion to recommit saves the U.S. taxpayers \$5.4 billion.

I would ask for your support for this motion to recommit. I think in today's fiscal climate, it is totally appropriate and is something that we should do. This is about our kids and our grandchildren in the future. And just to bring it back to the President's request, I don't think this is something that is too much to ask from anyone.

I yield back the balance of my time.

Mr. OLVER. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Speaker, I think it's quite ironic that the amendment that's being offered is one to reduce the funding and conform the funding to the President's request, but it's exactly what the now minority has done year after year in rubber-stamping the President's position. That's what's so ironic about it.

We, on the other hand, have taken an independent view with a very good subcommittee, with some Members on the minority side who have joined us on some of this and, in fact, have taken a position substantially in support of the idea which is at the core of this legislation that we are doing something more for vulnerable populations.

Virtually everything that has been removed in reductions from this bill is in those things, but not all of them, virtually all, in the area of assistance for vulnerable populations. Let me just go down the list.

We have section 8, tenant-based housing and section 8 project-based housing, a total of a \$798 million reduction, all of them back to the President's requests. But the needs got greater from

when the requests were made because of what is happening, because there are more homeless, because there are more people out of work than there were at the time the request was made, in all good faith.

The Native American Block Grant for the poorest of the poor is reduced by \$105 million.

Elder housing, which we had raised by \$235 million, and the housing for the disabled people, which we had raised by \$100 million, which, by the way, all of this was taken through the full Appropriations Committee and approved by the Appropriations Committee and sent to the floor.

Homeless assistance has been reduced by \$56 million.

The public housing operating fund has been reduced by \$200 million.

The public housing authority's capital fund, reduced by \$256 million.

The housing for people with AIDS, reduced by \$40 million.

The HOME Program for affordable housing, rental housing, as well as first-time homeownership is reduced by \$175 million. All of these to conform with the President's number.

Our committee and our Members feel very strongly that those vulnerable populations need a little bit more under the circumstances that we are dealing with at the present time, so we put it in, and that's the way we voted today.

Now, beyond that, we have had a strong vote on the issue of high-speed rail and the items related to it, a vote which was earlier today, 136 for an amendment to strike the very thing that is backing this motion to 284 against, including 40 Members from the minority side who voted with the majority on that issue.

Beyond that, we have the amendment which reduces the FAA's safety positions in two different areas; one by removing 150 aviation inspectors, which we went above the President's request, I think quite legitimately, for aviation safety, and also 35 additional people that we put in for rail safety. We've had some rail problems. We believe that there are problems that needed to be dealt with.

So all of those things have been done. I think we should keep exactly what we have done, the vote before, and reject this motion to recommit.

I yield time to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding. I would urge a “no” vote on this. I simply think that we are entitled to ask one question: Why on Earth, if we're supposed to take this motion seriously, were we required to listen through the reading of a 55-page amendment, witness it being withdrawn, and then have them introduce an amendment which is virtually the same in an identical form?

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LATHAM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 192, nays 226, not voting 15, as follows:

[Roll No. 636]

YEAS—192

Aderholt	Gallegly	Minnick
Adler (NJ)	Garrett (NJ)	Mitchell
Akin	Gerlach	Moran (KS)
Alexander	Giffords	Murphy (NY)
Austria	Gingrey (GA)	Murphy, Patrick
Bachmann	Gohmert	Murphy, Tim
Bachus	Goodlatte	Myrick
Bartlett	Granger	Neugebauer
Barton (TX)	Graves	Nunes
Bean	Guthrie	Nye
Biggert	Hall (TX)	Olson
Bilbray	Harper	Paulsen
Bilirakis	Hastings (WA)	Pence
Blackburn	Heller	Perriello
Boehner	Hensarling	Peters
Bonner	Herger	Petri
Bono Mack	Hoekstra	Pitts
Boozman	Hunter	Poe (TX)
Boustany	Inglis	Posey
Brady (TX)	Issa	Price (GA)
Bright	Jenkins	Putnam
Brown (GA)	Johnson (IL)	Radanovich
Brown (SC)	Johnson, Sam	Rehberg
Brown-Waite,	Jones	Roe (TN)
Ginny	Jordan (OH)	Rogers (AL)
Buchanan	King (IA)	Rogers (KY)
Burgess	King (NY)	Rogers (MI)
Burton (IN)	Kingston	Rohrabacher
Buyer	Kirk	Rooney
Calvert	Kirkpatrick (AZ)	Ros-Lehtinen
Camp	Kline (MN)	Roskam
Campbell	Kratovil	Royce
Cantor	Lamborn	Ryan (WI)
Cao	Lance	Scalise
Capito	Latham	Schmidt
Carter	LaTourette	Schock
Cassidy	Latta	Sensenbrenner
Castle	Lee (NY)	Sessions
Chaffetz	Lewis (CA)	Shadegg
Coble	Linder	Shimkus
Coffman (CO)	LoBiondo	Shuler
Cole	Lucas	Shuster
Conaway	Luetkemeyer	Simpson
Crenshaw	Lummis	Smith (NE)
Culberson	Lungren, Daniel	Smith (TX)
Dahlkemper	E.	Souder
Davis (KY)	Mack	Stearns
Deal (GA)	Manzullo	Sullivan
Dent	Marchant	Taylor
Diaz-Balart, L.	Markey (CO)	Terry
Diaz-Balart, M.	Marshall	Thompson (PA)
Donnelly (IN)	McCarthy (CA)	Thornberry
Dreier	McCaul	Tiahrt
Ehlers	McClintock	Tiberti
Ellsworth	McCotter	Turner
Emerson	McHenry	Upton
Fallin	McHugh	Walden
Flake	McKeon	Wamp
Fleming	McMorris	Westmoreland
Forbes	Rodgers	Whitfield
Fortenberry	McNerney	Wilson (SC)
Foster	Mica	Wittman
Fox	Miller (FL)	Wolf
Franks (AZ)	Miller (MI)	Young (AK)
Frelinghuysen	Miller, Gary	Young (FL)

NAYS—226

Abercrombie	Barrow	Boren
Ackerman	Becerra	Boswell
Altmire	Berkley	Boucher
Andrews	Berman	Boyd
Arcuri	Bishop (GA)	Brady (PA)
Baca	Bishop (NY)	Braley (IA)
Baird	Blumenauer	Brown, Corrine
Baldwin	Bocchieri	Butterfield

Capps	Holden	Peterson
Capuano	Holt	Pingree (ME)
Cardoza	Honda	Polis (CO)
Carnahan	Hoyer	Pomeroy
Carney	Inslee	Price (NC)
Carson (IN)	Israel	Quigley
Castor (FL)	Jackson (IL)	Rahall
Chandler	Jackson-Lee	Rangel
Childers	(TX)	Reichert
Chu	Johnson (GA)	Reyes
Clarke	Johnson, E. B.	Rodriguez
Clay	Kagen	Ross
Cleaver	Kanjorski	Rothman (NJ)
Clyburn	Kennedy	Roybal-Allard
Cohen	Kildee	Ruppersberger
Connolly (VA)	Kilpatrick (MI)	Ryan (OH)
Cooper	Kilroy	Salazar
Costa	Kind	Sánchez, Linda
Costello	Kissell	T.
Courtney	Klein (FL)	Sanchez, Loretta
Crowley	Kosmas	Sarbanes
Cuellar	Kucinich	Schakowsky
Cummings	Langevin	Schauer
Davis (AL)	Larsen (WA)	Schrader
Davis (CA)	Larson (CT)	Schwartz
Davis (IL)	Lee (CA)	Scott (GA)
Davis (TN)	Levin	Scott (VA)
DeFazio	Lewis (GA)	Serrano
DeGette	Lipinski	Sestak
Delahunt	Loeb sack	Shea-Porter
DeLauro	Lofgren, Zoe	Sherman
Dicks	Lowe y	Sires
Dingell	Luján	Skelton
Doggett	Lynch	Slaughter
Doyle	Maffei	Smith (WA)
Driehaus	Maloney	Snyder
Edwards (MD)	Markey (MA)	Space
Edwards (TX)	Massa	Speier
Ellison	Matheson	Spratt
Engel	Matsui	Stark
Eshoo	McCollum	Stupak
Etheridge	McDermott	Sutton
Farr	McGovern	Tanner
Fattah	McIntyre	Teague
Finer	McMahon	Thompson (CA)
Frank (MA)	Meek (FL)	Thompson (MS)
Fudge	Mee ks (NY)	Tierney
Gonzalez	Melancon	Titus
Gordon (TN)	Michaud	Tonko
Grayson	Miller (NC)	Tsongas
Green, Al	Miller, George	Van Hollen
Green, Gene	Mollohan	Velázquez
Griffith	Moore (KS)	Visclosky
Grijalva	Moore (WI)	Walz
Gutiérrez	Moran (VA)	Wasserman
Hall (NY)	Murphy (CT)	Schultz
Halvorson	Murtha	Waters
Hare	Nadler (NY)	Watson
Hatch	Napolitano	Watt
Harman	Neal (MA)	Waxman
Hastings (FL)	Neal (MA)	Weiner
Heinrich	Oberstar	Welch
Herseth Sandlin	Oberstar	Wexler
Higgins	Obey	Wilson (OH)
Hill	Oliver	Woolsey
Himes	Ortiz	Wu
Hinche y	Pallone	Yarmuth
Hinojosa	Pascrell	Richardson
Hirono	Pastor (AZ)	Rush
Hodes	Payne	Schiff
Perlmutter	Perlmutter	Smith (NJ)
Platts	Platts	Towns

NOT VOTING—15

Barrett (SC)	Duncan	Richardson
Berry	Kaptur	Rush
Bishop (UT)	McCarthy (NY)	Schiff
Blunt	Paul	Smith (NJ)
Conyers	Platts	Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore. There is less than a minute remaining in this vote.

□ 1941

Messrs. MURPHY of Connecticut, CARNEY, Ms. PINGREE of Maine, and Mr. TEAGUE changed their vote from “yea” to “nay.”

Mr. TIM MURPHY of Pennsylvania changed his vote from “nay” to “yea.” So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 256, nays 168, not voting 9, as follows:

[Roll No. 637]

YEAS—256

Ackerman	Green, Al	Olver
Adler (NJ)	Green, Gene	Ortiz
Altmire	Griffith	Pallone
Andrews	Grijalva	Pastor (AZ)
Arcuri	Gutiérrez	Payne
Baca	Hall (NY)	Perlmutter
Baird	Halvorson	Perriello
Baldwin	Hare	Peters
Barrow	Harman	Peterson
Bean	Hastings (FL)	Petri
Becerra	Heinrich	Pingree (ME)
Berkley	Herseth Sandlin	Polis (CO)
Berman	Higgins	Pomeroy
Berry	Himes	Price (NC)
Bishop (GA)	Hinche y	Quigley
Bishop (NY)	Hinojosa	Rahall
Blumenauer	Hirono	Rangel
Bocchieri	Hodes	Reichert
Boren	Holden	Reyes
Boswell	Holt	Richardson
Boucher	Honda	Rodriguez
Boyd	Hoyer	Ros-Lehtinen
Brady (PA)	Inslee	Ross
Braley (IA)	Israel	Rothman (NJ)
Bright	Jackson (IL)	Roybal-Allard
Brown, Corrine	Jackson-Lee	Ruppersberger
Butterfield	(TX)	Rush
Cao	Johnson (GA)	Ryan (OH)
Capps	Johnson, E. B.	Salazar
Capuano	Kagen	Sánchez, Linda
Cardoza	Kanjorski	T.
Carnahan	Kaptur	Sanchez, Loretta
Carney	Kennedy	Sarbanes
Carson (IN)	Kildee	Schakowsky
Castor (FL)	Kilpatrick (MI)	Schauer
Chandler	Kilroy	Schiff
Childers	Kirkpatrick (AZ)	Schrader
Chu	Kissell	Schwartz
Clarke	Klein (FL)	Scott (GA)
Clay	Kosmas	Scott (VA)
Cleaver	Kucinich	Serrano
Clyburn	Langevin	Sestak
Coble	Larsen (WA)	Shea-Porter
Cohen	Larson (CT)	Sherman
Connolly (VA)	LaTourette	Shuler
Conyers	Lee (CA)	Shuler
Cooper	Levin	Speier
Costa	Lewis (GA)	Slaughter
Costello	Lipinski	Smith (NJ)
Courtney	LoBiondo	Smith (WA)
Crowley	Loeb sack	Snyder
Cuellar	Lofgren, Zoe	Space
Cummings	Lowe y	Speier
Dahlkemper	Luján	Spratt
Davis (AL)	Lynch	Stark
Davis (CA)	Maffei	Stupak
Davis (IL)	Maloney	Sutton
Davis (TN)	Markey (MA)	Tanner
DeFazio	Massa	Teague
DeGette	Matsui	Thompson (CA)
Delahunt	McCollum	Thompson (MS)
DeLauro	McDermott	Tierney
Diaz-Balart, L.	McGovern	Titus
Diaz-Balart, M.	McHugh	Tonko
Dicks	McIntyre	Towns
Dingell	McMahon	Tsongas
Doggett	McNerney	Turner
Donnelly (IN)	Meek (FL)	Van Hollen
Doyle	Meeks (NY)	Velázquez
Edwards (MD)	Melancon	Visclosky
Edwards (TX)	Michaud	Walz
Ehlers	Miller (NC)	Wasserman
Ellison	Miller, George	Schultz
Ellsworth	Mitchell	Waters
Engel	Mollohan	Watson
Eshoo	Moore (KS)	Watt
Etheridge	Moore (WI)	Waxman
Farr	Moran (VA)	Weiner
Fattah	Murphy (NY)	Welch
Finer	Murphy, Patrick	Wexler
Foster	Murphy, Tim	Wilson (OH)
Frank (MA)	Murtha	Wolf
Fudge	Nadler (NY)	Woolsey
Giffords	Napolitano	Wu
Gonzalez	Neal (MA)	Yarmuth
Gordon (TN)	Oberstar	Young (AK)
Grayson	Obey	Young (AK)

## NAYS—168

Aderholt	Gerlach	Miller (FL)
Akin	Gingrey (GA)	Miller (MI)
Alexander	Gohmert	Miller, Gary
Austria	Goodlatte	Minnick
Bachmann	Granger	Moran (KS)
Bachus	Graves	Myrick
Bartlett	Guthrie	Neugebauer
Barton (TX)	Hall (TX)	Nunes
Biggart	Harper	Nye
Blibray	Hastings (WA)	Olson
Bilirakis	Heller	Paulsen
Blackburn	Hensarling	Pence
Boehner	Herger	Pitts
Bonner	Hill	Platts
Bono Mack	Hoekstra	Poe (TX)
Boozman	Hunter	Posey
Boustany	Inglis	Price (GA)
Brady (TX)	Issa	Putnam
Broun (GA)	Jenkins	Radanovich
Brown (SC)	Johnson (IL)	Rehberg
Brown-Waite,	Johnson, Sam	Roe (TN)
Ginny	Jones	Rogers (AL)
Buchanan	Jordan (OH)	Rogers (KY)
Burgess	Kind	Rogers (MI)
Burton (IN)	King (IA)	Rohrabacher
Buyer	King (NY)	Rooney
Calvert	Kingston	Roskam
Camp	Kirk	Royce
Campbell	Kline (MN)	Ryan (WI)
Cantor	Kratovil	Scalise
Capito	Lamborn	Schmidt
Carter	Lance	Schock
Cassidy	Latham	Sensenbrenner
Castle	Latta	Sessions
Chaffetz	Lee (NY)	Shadegg
Coffman (CO)	Lewis (CA)	Shimkus
Cole	Linder	Shuster
Conaway	Lucas	Simpson
Crenshaw	Luetkemeyer	Smith (NE)
Culberson	Lummis	Smith (TX)
Davis (KY)	Lungren, Daniel	Souder
Deal (GA)	E.	Stearns
Dent	Mack	Sullivan
Dreier	Manzullo	Taylor
Driehaus	Marchant	Terry
Duncan	Markey (CO)	Thompson (PA)
Emerson	Marshall	Thornberry
Fallin	Matheson	Tiahrt
Flake	McCarthy (CA)	Tiberi
Fleming	McCauley	Upton
Forbes	McClintock	Walden
Fortenberry	McCotter	Wamp
Fox	McHenry	Westmoreland
Franks (AZ)	McKeon	Whitfield
Frelinghuysen	McMorris	Wilson (SC)
Gallely	Rodgers	Wittman
Garrett (NJ)	Mica	Young (FL)

## NOT VOTING—9

Abercrombie	Blunt	Pascarell
Barrett (SC)	McCarthy (NY)	Paul
Bishop (UT)	Murphy (CT)	Skelton

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1948

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. ANDREWS, from the Committee on Armed Services, submitted a privileged report (Rept. No. 111-221) on the resolution (H. Res. 602) requesting that the President and directing that the Secretary of Defense transmit to the House of Representatives all information in their possession relating to specific communications regarding detainees and foreign persons suspected of terrorism, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3293, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-222) on the resolution (H. Res. 673) providing for consideration of the bill (H.R. 3293) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## APPPOINTMENT AS MEMBERS TO FINANCIAL CRISIS INQUIRY COMMISSION

The SPEAKER pro tempore. Pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (P.L. 111-21), and the order of the House of January 6, 2009, the Chair announces a joint appointment by the Speaker and the majority leader of the Senate and an appointment by the Speaker on the part of the House to the Financial Crisis Inquiry Commission:

Joint appointment:

Mr. Phil Angelides, Sacramento, California, Chairman

Speaker's appointments:

Ms. Brooksley Born, Washington, D.C.

Mr. John W. Thompson, Woodside, California

## COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, July 22, 2009.

Hon. NANCY PELOSI,  
Speaker, U.S. Capitol,  
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 5 of the Fraud Enforcement and Recovery Act of 2009 (P.L. 111-21), I am pleased to appoint the following individuals to the Financial Crisis Inquiry Commission.

The Honorable William M. Thomas of Bakersfield, California (Vice Chairman)

Mr. Peter J. Wallison of Old Snowmass, Colorado

Both Mr. Thomas and Mr. Wallison have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

Sincerely,

JOHN A. BOEHNER,  
Republican Leader.

## A CONTRABAND FLOW CHART

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, this organizational chart is a chart that rep-

resents the new way that health care would be handled in the United States under the Democrats' plan. This is a chart that we will not be allowed, though, to send out to our constituents because it has been ruled inappropriate to send out. But we want the American people to see it.

The other thing that people need to know about the Democrat health bill is that it's going to give higher taxes to small businesses and it's going to destroy jobs. According to the Democrats' plan, filers making \$280,000 will be hit with a 1 percent surtax. Filers making \$400,000 will be hit by a 1.5 percent surtax, and filers making \$800,000 will be hit by a 5.4 percent surtax.

Because most small businesses pay their taxes as part of their owner's individual tax filing, a majority of those hit by this new tax will be small businesses. According to the National Association of Manufacturers, an industry hard hit by the economy, 68 percent of manufacturers file as S corporations with an average income of \$570,000. We also know this bill will destroy 4.7 million jobs. That's too many jobs to destroy in this country. We don't need this health care bill.

## VAGUE AND GENERAL HEALTH CARE REFORM

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, during his prime time press conference last night, President Obama spoke in vague generalities about his care proposal in claiming the plan is deficit neutral. The nonpartisan Congressional Budget Office disagrees, the CBO, found that the legislation would increase the deficit by \$239 billion over a 10-year period. The CBO director recently said the administration's plan significantly expands the Federal responsibility for health care costs, but you wouldn't know this from having watched last evening's press conference. Not one reporter questioned the President about the CBO's findings. Instead the media, once again, gave the President a free pass and deprived Americans of all the facts surrounding health care.

## HEALTH CARE REFORM WILL BENEFIT SMALL BUSINESS

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, America's small businesses are facing a health care crisis, and they need our help. Small businesses pay 18 percent more for the same health insurance benefits as large businesses, hampering these incubators of recovery and growth. We must fix the broken health care system to help our Nation's entrepreneurs and their employees.

Half of all Americans work for a small business. That's half of the Nation's private, nonfarm gross domestic